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Adam Meyerson

What's Right with American Culture
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The Temptation of School Prayer
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On to 1996
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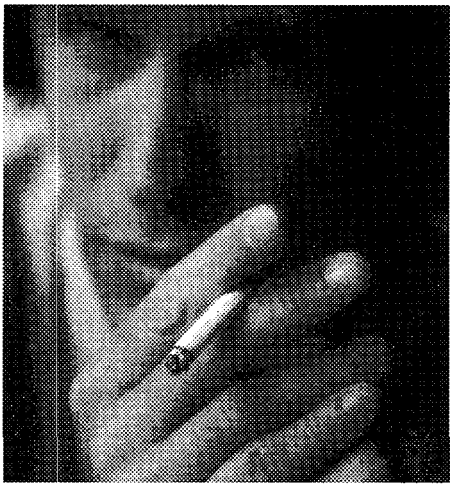
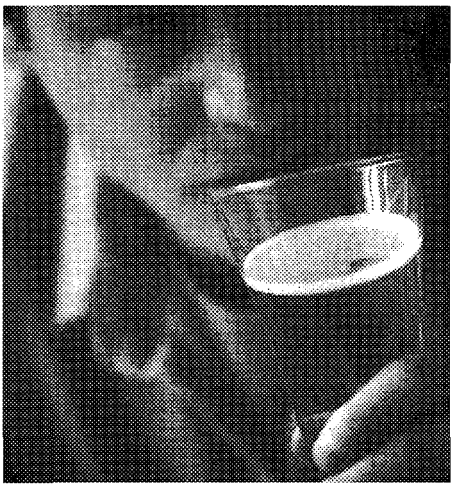


Some politicians want to ban cigarettes.



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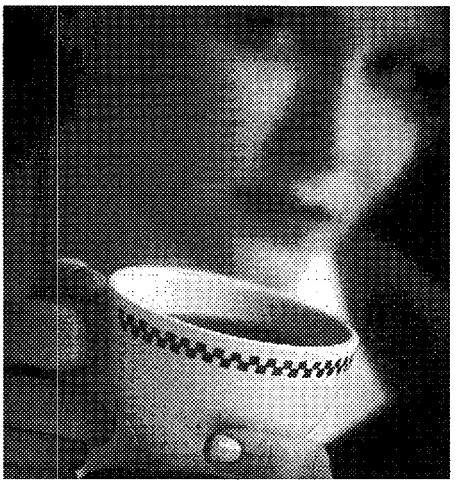

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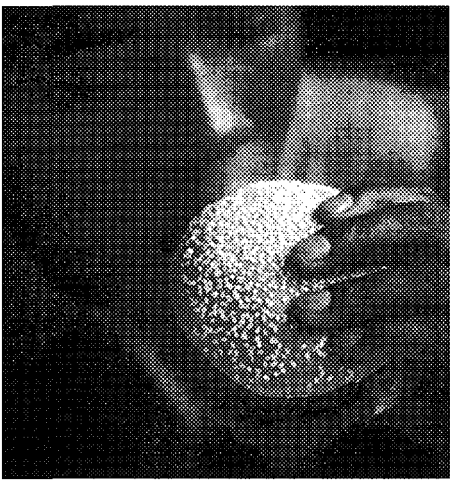

Will high-fat foods be next?

TODAY IT'S CIGARETTES. TOMORROW?

The Government, through the FDA, the Department of Labor and some Congressmen, is attempting to prohibit smoking in America. They've proposed a substantial tax increase that will make cigarettes too expensive for people to afford.[1] They've introduced regulations that could lead to a total smoking ban in public as well as private places in some circumstances.[2]

And regardless of their reasons, both their tactics and the end result they are seeking are threats to the freedom we enjoy in our society.

Let's understand exactly what they're trying to do. They're pursuing a new era of prohibition, and in the process are ignoring the individual rights of not just the 45 million Americans who smoke, but all other Americans as well.

But the most threatening aspect of their program is their intention to force their views on the whole country.

If they are successful in their bid to abolish cigarettes will they then pursue other targets? Will alcohol be next? Will caffeine and cholesterol 'addicts' need to be protected from themselves? Will books, movies and music get the treatment? Who knows where it will end?

Prohibition solves nothing. Never mind that Americans do not want to create another prohibition era. In fact 86% reject such a notion. (Gallup/CNN/USA Today Poll, March 1994.) What we need is a policy of accommodation, where common courtesy between smokers and non-smokers can prevail.

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1 House of Representatives Bill No. 3434. See H.R. 3600 and Senate Bill No. 1757. 2 Dept. of Labor, OSHA Docket No. H-122, Indoor Air Quality, Proposed Rule, 4/4/94.

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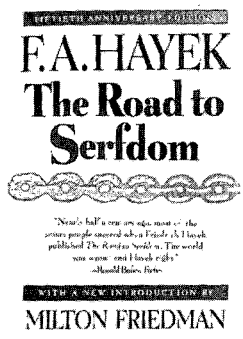

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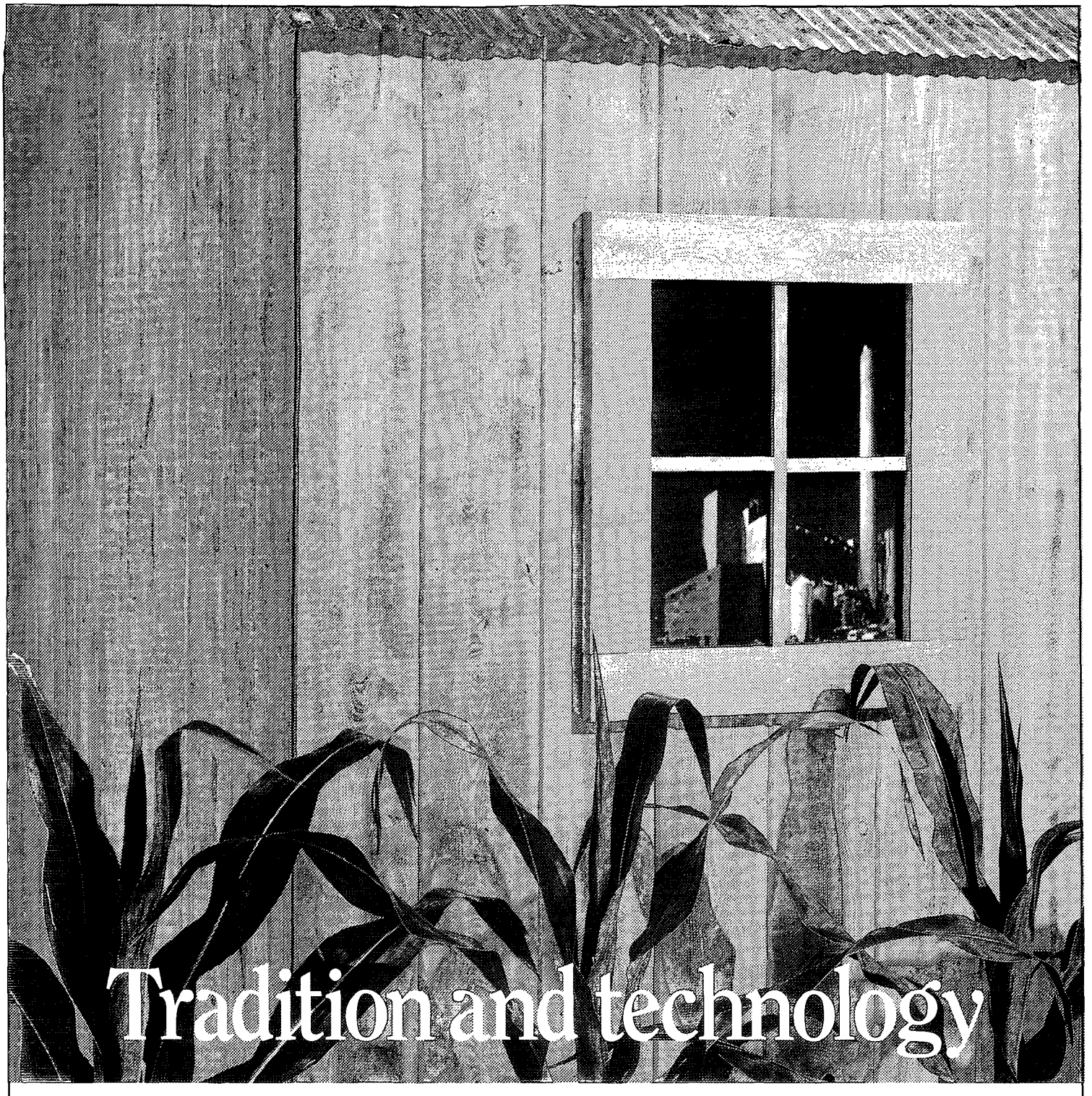

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An Offer Too Good to Refuse

Americans Put Out a Contract on Big Government

ADAM MEYERSON

In the Spring of 1993, *Policy Review* predicted that "1994 will be the most important year in American politics since the 1980 race between Jimmy Carter and Ronald Reagan." At least we got that one right.

"If the Democratic Party maintains its overwhelming majority in both Houses of Congress in 1994," *Policy Review* went on to say, "then the Reagan Revolution truly will be over, and the federal government will likely grow in size and intrusiveness into American life. If, however, the Republican Party makes substantial gains, then there is a good chance that the Clinton presidency will be just a temporary interruption in the downsizing of central government. These choices were muddied in 1992 because Mr. Clinton ran to the right of President Bush on many taxing and spending issues. In 1994, the choices will be clearer."

The choices certainly were clear in 1994, and so was the message of the voters. Thanks mostly to President Clinton's health care plan, but also to his crime bill, his tax increases, and his regulatory excesses, the party of the donkey was openly identified with liberalism and the cause of bigger government, especially in Washington. In sharp contrast, the party of the elephant stood more strongly for smaller government at all levels—federal, state, and local—than at any time in over a generation. When voters were given this clear choice, the result was an elephant stampede.

The magnitude of the GOP victory was a tribute to many of its leaders. To Bob Dole and the Senate Republicans, whose guerrilla warfare and united resistance to Clintonism blocked many of the administration's worst initiatives. To Haley Barbour, one of the greatest chairmen in Republican National Committee history, who brought his party back to conservative ideas and to Politics 101—grass-roots organizing and candidate recruitment. To governors such as Christie Whitman of New Jersey, John Engler of Michigan, and Tommy Thompson of Wisconsin, who showed, after the Bush Betrayal of 1990, that at least some Republicans keep their promises to cut taxes and reduce the size of government. The number of states with a Republican governor and GOP control of both houses of the legislature rose from three to 15, as voters took a gamble that Republican promises of tax and spending cuts were not simply the cynical political gestures they have often proved to be before.

Above all, the Republican sweep was a tribute to Newt Gingrich, Dick Armey, and their Republican House colleagues, whose Contract With America did something the GOP should have done long ago—show clearly what difference it would make if Republicans instead of Democrats controlled the House. In Winter 1992, *Policy Review* asked then House Minority Leader Robert Michel to write an article on what House Republicans would do if they took charge. His only answer was congressional reform—cutting congressional staff, reforming internal House rules, applying to the House the same regulations the Congress applies to everyone else. Michel's answer, in short, was what Gingrich promised for Day One of Republican control. He left out the other 99 days!

What a difference new leadership made! The Gingrich-Armey contract made 41 pages of concrete promises to the American people on tax relief, a balanced budget amendment, welfare reform, crime control, defense readiness, and other leading issues. No one can deny that this is what the American people voted for: The Democrats spent millions publicizing the GOP Contract in what turned out to be one of the most issues-driven campaigns of recent decades.

Solemn Obligation

The GOP Contract, though, was more than just a platform. It was a solemn obligation. It was the genius of Gingrich, Armey, and their House Republican colleagues to recognize that the American people want not only smaller government, they want *accountability*. The citizens are furious over broken promises—not only by Presidents Bush and Clinton but by most of the political class. And this is why the new Republican leadership in the Congress must honor its promises in the Contract, if it is to have any hope of converting the GOP landslide of November 1994 into a lasting governing majority. Voters will surely punish Republicans for breach of contract if they fail to follow through on their commitments. The Contract must be honored in spirit as much as letter, which means the new Republican leaders must vote to limit their own terms of office, even though they didn't explicitly prom-

ADAM MEYERSON is *editor of* Policy Review.

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ise to do anything more than hold a vote on the subject.

The most daunting challenge for the new Congress will be to cut domestic spending in order to deliver on the tax relief and balanced-budget promises of the Contract. Voters in November clearly told politicians that they want less government, but they didn't indicate which programs they want cut. This is not an example of voter "irrationality," in the condescending phrase of media pundits; voters expect the legislators they elect to sort out competing priorities, which, after all, is how representative democracy is supposed to function. The trouble is, as David Frum points out in his book *Dead Right*, Republicans have done very little in recent years to make the political case for specific spending cuts.

The good news for Republicans, though, is that this is the best time in decades to cut federal spending. For one thing, the economy is strong enough to cushion the blows that government downsizing will inflict. Like any other necessary restructuring in the economy, cutting federal spending will cause temporary hardships for families, for communities, for businesses. Better to do it in a time of rapid job growth and technological dynamism.

Advantage two is that Ronald Reagan and George Bush won the Cold War. While spending will have to rise for readiness, missile defenses, and a few other items in the military budget cut too sharply by Clinton, no enormous military buildup is necessary as it was in the 1980s. Unlike Reagan Republicans who had to go easy on domestic spending in order to win votes for the defense buildup, Gingrich Republicans can concentrate their firepower on bringing the federal government down to size.

Perhaps most important, Americans know that surgery is necessary, especially if it can be accompanied by a sweetener such as tax relief. One of the clearest messages of the November elections is that pork-barrel politics no longer works—voters would no longer re-elect a Tom Foley or Dan Rostenkowski or Jack Brooks simply because he could bring home more bennies to their district. By contrast, even in a very liberal state such as Maryland, an Ellen Sauerbrey running on tax and spending cuts could come within a whisker of being elected governor.

Citizens' Hearings

Americans will be willing to endure the hardship of government spending cuts, so long as their own programs aren't singled out for the budget axe, and so long as it is clear that their children and grandchildren will benefit. This means it will be easier to cut many programs rather than few, because more people will be willing to sacrifice if everyone takes a hit. All regions, all income classes, rural areas as well as suburbs and cities, must be affected. Labor Secretary Robert Reich was absolutely right when he urged that Republicans wield their scalpels at corporate welfare as sharply as at public assistance for the poor.

One way to promote a spirit of shared sacrifice would be to convene congressional hearings and town hall meetings across America, with testimony from citizens willing to see cuts in programs from which they benefit. Call them, in the positive spirit of the Contract, the Citizens' Hearings for Tax Relief and Economic Opportunity. That's because the purpose of budget-cutting is not for Scrooge-like parsimony. Rather it is for the tax relief and long-term debt reduction that American families have said they want.

Consider the opportunities such hearings might offer to build momentum for spending cuts. Farmers would be found who would testify that, even though it would hurt, they would be willing to take their share of spending cuts—that there really is no need for farm subsidies except in times of massive agricultural depression. Retired military officers would come forward to say that they really don't need full pensions in their 40s and 50s, particularly at a time when young servicemen are overtaxed and struggling to make ends meet. City dwellers would testify that their mayors and city councils wouldn't need any special money from Washington if they spent their own revenues more carefully, and didn't drive middle-class residents and businesses out to the suburbs through overtaxation, over-regulation, and overly bureaucratic schools and police departments.

So, too, small-business owners would be invited to come forward to testify that they don't really need a Small Business Administration, that what would really help them would be lower capital gains taxes and a repeal of onerous regulations such as the Americans with Disabilities Act. Welfare recipients and public housing residents would testify how poverty programs discourage personal responsibility and economic mobility. Residents of Washington state would explain how they'd be willing to accept a phase-out of Bonneville Power Authority subsidies, while residents of Houston and suburban Atlanta—Gingrich's district—could talk about ways to trim the NASA space program. Hollywood actors and producers might testify on their plans to raise private funds to finance National Public Radio and the National Endowment for the Arts, in order to relieve taxpayers of costs that could easily be underwritten by the private sector.

Republican Members of Congress could get the ball rolling—and win enormous good will—by voting to cut their own congressional pay and pensions, and to slash their own personal office staff.

The tone of the discussion should not be completely anti-government. On the contrary, Republicans can even enlist many liberals and centrists on behalf of their cause by arguing that government will be stronger, more effective, and more compassionate if it does a small number of things and does those things very well. At the same time, it must be made clear that the federal government has taken too much responsibility for decisions away from families, businesses, and local communities. Americans voted in November to take their country back, and that means limiting government in Washington.

Republicans dare not refuse the offer made by the American people. If the GOP does not deliver on its Contract, its role in history will be only transitional, much like Mikhail Gorbachev who was unable to follow through on the revolution he unleashed in the Soviet Union. But if Republicans govern as they campaigned, they will lead America through one of the most creative periods of far-reaching institutional reform in our national history, and they will dominate American politics for decades to come. ☎

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What Will Happen to the Children?

Who Will Step in When Welfare Is Abolished

VERNE BARRY, DAVID COONEY, CONNA CRAIG, VIRGIL GULKER, STAR PARKER, JOHN M. PERKINS, REVEREND ROBERT A. SIRICO

The new Republican Congress has promised to put welfare reform at the top of the agenda when it convenes in January. Conservatives are championing radical change:the end of the welfare state. Specifically, conservatives are proposing to abolish most welfare payments, including Aid to Families with Dependent Children (AFDC), food stamps, and federal housing subsidies.

Even if conservatives had not seized Congress by promising to rein in the government, welfare reform would be unavoidable. Federal and state governments spent more than $320 billion on means-tested welfare in 1993; by 1998, the welfare tab will cost on average nearly $5,000 for every taxpaying household. But those who focus only on cost cutting misunderstand the primary goal of conservative reforms: To wipe out the scourge of illegitimacy in the United States.

Policy Review asked a cross-section of social service veterans, all in the private sector, to discuss the effects of reducing welfare assistance. Specifically, we asked these experts what would happen if the government stopped adding people to the welfare rolls: Those already on welfare could continue to receive benefits, but no one else could apply for AFDC, food stamps, or housing assistance.

VERNE BARRY

Conservatives and other limited-government advocates, always eager to point out the dangers of welfare, too often fall into the trap of springing forth with "alternatives" to the support system that welfare has come to represent. These alternatives sometimes fail to address the root causes of our welfare culture.

Conservatives are correct in pointing to the multi-generational families of welfare recipients as evidence that welfare makes people think of themselves as entitled to the handout. And then it's a small leap to become convinced you need it. But the strength of the case breaks down (mainly among "fiscal" conservatives) when the talk shifts to how social services are better administered by the private sector. Churches and charities, the argument goes, can better deliver these services because they are local, accountable to their communities, and in a better position to understand the unique problems of their neighborhoods.

Maybe so, but hold on a second. Softening the argument for welfare cuts by assuring the other side that churches and charities will pick up the slack can easily miss the point of welfare reform. The biggest problem with welfare is not that it costs taxpayers too much money, although that is surely a problem, but rather that it clearly creates dependency and a dearth of personal responsibility. Such irresponsibility becomes a crisis when it is neighborhood- or community-wide, as so often has happened in our nation's inner cities.

If all government welfare ended tomorrow and churches and charities picked up the slack 100 percent, the relief enjoyed by taxpayers would soon be tempered by the reality that the social tragedy of welfare had not changed at all. The purpose of welfare reform is not just to change who is doing the giving. It is, rather, to change the hearts and minds—indeed, the lives—of those who have never known anything else. It simply doesn't work just to help people: We must help people help themselves. Too many of the churches and charities I've seen never affect people at this deeper level.

There are other problems. Churches are in the soul-saving business, not the social service business. Even those churches who closely subscribe to the social gospel are not in a position to provide the kind of all-out social support the present welfare state has institutionalized without becoming huge and bureaucratic themselves.

Reform already has begun to happen in the world of private non-profits. The United Way, for example, is guided in each community by a "community-based board" that knows better than you do which agency should get your money. Small charities clamor to get into the powerful United Way network because there is so little money left over after each year's United Way campaign. If welfare dependence were undiminished but shifted to the private non-profit sector, political pressure would attack the United Way as never before to ensure that politically correct agencies and other favored institutions were taken care of.

The question is not whether the private sector will pick up the slack. It is whether former welfare recipients will pick themselves up and start following the patterns of responsibility the rest of us have always taken for granted.

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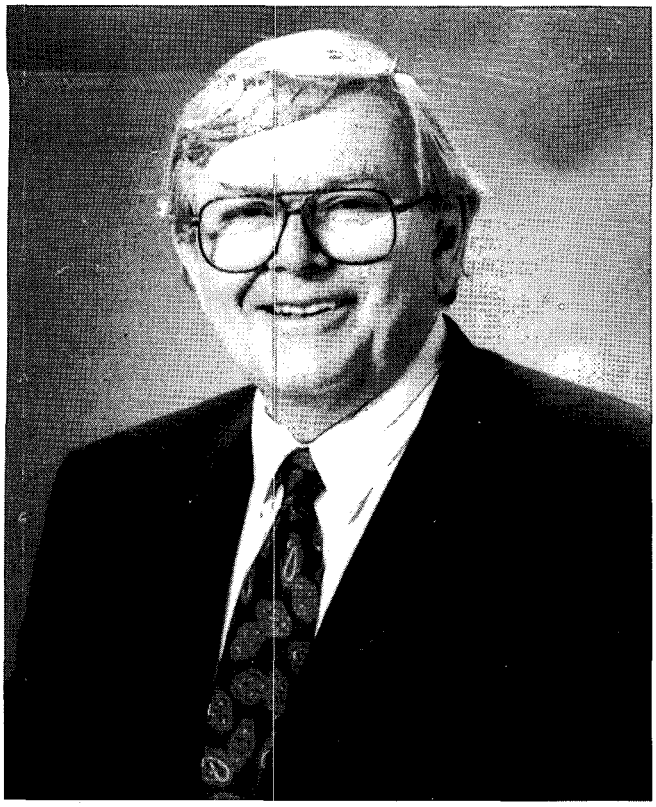

Verne Barry: "Changing lives is a lot more important that changing who doles out the goodies."

That's called changing lives, and it's a lot more important than changing who doles out the goodies.

I can't help but remember a scene from "Alice in Wonderland." Alice is walking along a path in the woods when the path splits in two—one path going left and one path going right. She wonders aloud which path should she take. The Cheshire Cat sitting in a nearby tree asks her where she is going. Alice answers, "I don't know." And the Cheshire Cat replies, "Then it doesn't make any difference."

VERNE BARRY *is co-founder and president of Faith, Inc., a Grand Rapids, Michigan non-profit organization that offers employment and employment training to the poor. He has known first-hand the effects of alcoholism, family and business failure, and homelessness.*

DAVID COONEY

Welfare was created to provide temporary financial support to families in economic transitions. Instead, it has become a way of life for a substantial portion of America's economic underclass. The results have been disastrous socially, economically, and morally, and should have been anticipated. As with many public policy issues, the welfare program eased the pain but did not solve the basic problem causing the pain. Thus, the problem has continued—even increasing in volume and scope—while sinking lower on the national priority list, because policy makers have achieved a comfort level.

Now, decades later, we as a nation are confronted by three-generation welfare families fully schooled in working the system, but totally unschooled in surviving in a competitive marketplace where education, employment, and other tools of upward social and economic mobility are available. In these circumstances, the "welfare problem" takes on a higher priority because its effects are no longer in the comfort zone for most Americans. The pain welfare inflicts is reflected in a variety of social, economic, health, and education statistics that cut across the full spectrum of society.

The easy solution seems to be to allow those who are welfare-dependent to remain so, but to reduce the problem over time by not adding new recipients. A corollary temptation is to assume that those now unserved will suddenly alter their current lifestyles, and perhaps receive interim support from a variety of private-sector agencies in the forms of housing, employment, child care, and other services.

Both the "solution" and the temptation are poppycock. Welfare was created to meet a specific real need. That need still exists. Failure resulted not by creating welfare, but by not providing viable alternatives as incremental steps to independence. Those alternatives will not appear overnight, nor will they come primarily from non-government sources. Charity works best on immediate problems like housing and hunger, but it rarely has a significant impact on long-term problems like employment and education.

The only practical way to reduce the welfare rolls is by funding job-training, job-placement services, and through support programs such as child care and adequate transportation. That such programs should be available to people prior to their entering the welfare rolls is inarguable, but this is not always possible.

Termination of enrollment without the other steps merely will drive the social and economic costs into different columns of the public's ledger—crime, public housing, food programs and other areas. The results will be all bad for the underclass, as well as for the middle and upper classes that will eventually have to share in the social costs as well.

There are no easy ways to achieve significant social change. Sudden and arbitrary changes to the status quo merely add new problems.

DAVID COONEY *is president and chief executive officer of Goodwill Industries International Inc., serving people with disabilities and other needs since 1902 through a network of non-profit, community-based organizations.*

CONNA CRAIG

> "I'm a system kid. I've been in foster care since I was two years old. My dad's in jail and my mom is missing. When I'm 16, I'm going to get pregnant so I can get a free apartment and get out of this place. Until then, I'm owned by the state."—Katie, age 14.

Katie is one of 600,000 system kids who will spend all or part of this year in state-run substitute care—including foster homes, group homes, and shelters. She will likely remain in foster care until she "graduates" from the system by turning 18. With no permanent home and no family to turn to, Katie is examining her options; welfare is one of them.

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In 1995, there will be more American children in foster care than there are people living in Washington, D.C. At its inception, foster care was meant to be a temporary solution, a means of providing a home-like environment for children whose own parents are unable or unwilling to care for them. But all too often foster care is not temporary: Forty-three percent of foster children remain in care for longer than two years. Annually, about 15,000 teens "age out" of foster care and, like Katie, are left to navigate early adulthood without the supports that many of us take for granted.

If further AFDC were to end today, we would be forced to create alternatives to welfare for the steady stream of young adults who exit one state system—foster care—only to become dependent on another. Regardless of how the welfare debate goes, we need to change the shape and nature of foster care to prevent a generation of children from being lured into other forms of dependency.

National figures on outcomes for foster children are scarce. However, in the early 1980s, a New York City study found that one-third of foster care graduates were on AFDC or the city's Home Relief Program within 18 months of leaving care. The New York study and others led Congress in 1987 to allocate funds for services to children preparing to leave foster care, including job training, budgeting, and career planning.

The results beg for new approaches: In Los Angeles, 39 percent of homeless youth are former foster children. A Minneapolis study found 38 percent of that city's homeless had been foster children. And although independent living programs do not advocate AFDC dependency, there are strong motivations (other than financial ones) for young women and girls in foster care to have children: Many foster children experience so much disruption that having a baby can seem like a sure means of forming a lasting bond. According to Peter Correia of the National Resource Center for Youth Services at the University of Oklahoma, "Sometimes these kids just say, 'I'll have a baby.' But it doesn't have to be that way."

Julia, for example, was removed from and returned to her own mother 10 times in two years. Then after 10 years in one foster home, she was placed into a state-run group home for girls. She recalls her independent living training: "They taught us how to balance a checkbook and fill out job applications." Julia, now 21 and unmarried, had her first child when she was 18.

Julia was working part time and in high school when she turned 18. She was also two months pregnant. "I remember going down and applying for it [state assistance]. I had just quit my job because I needed to spend more time doing homework so I could graduate. I was pregnant. I needed some money." When asked how she knew about welfare she responded, "We all just knew about it." Julia reports that of the 12 girls who graduated together from her group home, "almost all of them have babies now. Three or four are on welfare."

Two years ago, the day after her second child was born, Julia left the welfare rolls. Why did she make the change? "I decided that my girls deserved better. When I was on welfare I just couldn't make it. I did not have a single present under that Christmas tree for my daughter and that broke my heart. It's so much better now that I'm working. Our world has totally changed. I wouldn't give up what I have right now for anything. I don't have a college education but I'm fine with that. Why complain about what I have now? I made it."

Does she mind that part of her earnings support other young women on welfare? "I don't mind helping them for a while," she says, "but I mind when people abuse it. The thing about welfare that really makes me sick is the people who just keep having more and more kids." I asked Julia what advice she would give to girls who are in group homes now. She responded, "Oh, it's very difficult. Sixteen-year-olds don't listen to grown-ups."

Foster care reform aimed at reducing the potential number of welfare candidates begins by listening to the children. At a recent conference for 200 teenagers in state care, state officials asked them how they would change the system. "We talk about independent living—but these kids say they want to be adopted. Even the teenagers say that," says Correia. "They want to belong, and why wouldn't they?"

The American Public Welfare Association reports that 69,000 foster children have court-mandated case plans for adoption. More than 50,000 are free to be adopted today, but will wait between 3.5 and 5.5 years. Meanwhile, thousands of qualified families wait for children—infants and teens alike—of all ages, races, and backgrounds.

Removing the barriers to adoption is a crucial step toward reshaping foster care. This will be vitally important if welfare benefits are eventually reduced or terminated, because states and localities simply cannot afford to frustrate the best impulses of the private sector.

"AS WITH MANY PUBLIC POLICY ISSUES, THE WELFARE PROGRAM EASED THE PAIN, BUT DID NOT SOLVE THE BASIC PROBLEM." — DAVID COONEY

We could take a cue from Massachusetts Governor William Weld. Weld announced Assignment Adoption in November 1993, a comprehensive plan that embraces everything from court reform to coordination with private adoption agencies, to find permanent homes for children in state custody. The program helped to increase the number of foster child adoptions from 725 in 1993 to 1,068 in 1994.

The Institute for Children maintains that every child is adoptable. Some older children choose not be adopted. Others cannot be adopted for legal reasons, as even abusive parents can maintain parental rights. For some of these children, independent living programs can work—if they go beyond training and provide children with incentives to succeed. Texas, for example, has created incentives to keep foster children in school. The state waives tuition and fees at state colleges and vocational schools for foster children who are on their own at 18.

The results are promising. In four years, the number of Texas youths who go directly from foster care to college

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has more than quadrupled. In 1992, Texas contacted 311 youths three months after leaving foster care and found that 130 were employed, 95 had completed high school or obtained a GED, and 235 lived independent of any maintenance program. "We are helping young people to make it on their own. Better educated people are going to do better in life and will delay having children," says Thomas Chapmond, chairman of the National Independent Living Association.

Chapmond reports that for foster children who age out and either go on to college or into the workplace, the critical factor is one-to-one contact with a mentor. "Every one of the kids who has made it has at least one person—a teacher, coach, volunteer—who has taken an interest in that child's life." Chapmond's organization makes mentoring one of its key ingredients, involving people who want to help needy children at a crucial point in their young lives.

"WELFARE CANNOT BE REFORMED WITHOUT REFORM OF FOSTER CARE AND REMOVAL OF BARRIERS TO ADOPTION." – CONNA CRAIG

And their needs are not likely to vanish: In every year from 1983 to 1992 (the year for which the most recent data is available), more children entered the system than exited. State and federal expenditures on foster care now total $10 billion per year. Cutting off additional AFDC benefits likely would increase the number of kids in foster care and strain state budgets—unless real changes are made in our foster care system.

In short, adoption—private, independent, and public—must be rehabilitated. This includes applying stricter time lines for terminating parental rights and expediting adoption. Independent living programs can follow the lead of Texas and incorporate cost-saving measures and voluntarism to achieve better outcomes for children. Mentors for foster children can be recruited from neighborhood and ethnic associations, churches, and interested individuals and families.

For the sake of all the Katies and the Julias across the nation, and the 1.8 million children who will enter foster care between now and the end of the decade, we must act. Children need permanent families and, when they are truly ready, the tools to eventually begin their own.

CONNA CRAIG *is president of the Institute for Children in Cambridge, Massachusetts, a private nonprofit organization committed to reshaping foster care in America.*

VIRGIL GULKER

Imagine this news announcement from your governor: "Lansing, Michigan—The governor announced today that "no new applicants" for the AFDC program will be accepted after July 1995. Those seeking family assistance, housing or food stamps either would have to qualify under another government program or tap into private sector aid. Meanwhile, church leaders met across the state to ask whether churches in Michigan could provide short-term relief for the roughly 17,420 families who are first-time applicants for AFDC each year. State officials estimate that if the 11,000 congregations in the state participated, each church would "adopt" 1.5 families, at an average cost of $952 per month, excluding health coverage."

Would the churches in America be willing to make such a commitment? Yes and no.

Yes, because many pastors recognize the need to involve the church in the lives of poor families. For many pastors the issue represents a simple choice: Will the church lead the welfare reform parade, infusing the process with compassion, relationships, and values? Or will it opt once again to follow in the wake of the parade, content to pick up the shattered lives and broken family relationships created by yet another failed government program?

The neighborhood church already is the focal point for outreach services to the needy. A report in the 1993 edition of the *Independent Sector*—based on the largest study ever undertaken of the community-service role of religious groups—concluded that churches and synagogues "are the primary service providers for neighborhoods" and that "the poorer the community, the larger the role and impact."

Simply put, churches already make significant contributions to local communities. In 1991, for example, the estimated value of volunteer time to church congregations was $19.2 billion. An estimated 49.4 million adults volunteered with religious organizations.

Churches can have significant local impact because congregations are meant to be a gathering of people, each with a variety of talents, whose shared commitment to the dignity and well-being of families can transcend their own diversity of race, age, gender, marital status, or economic need. As church members share their skills and resources—particularly in the context of family relationships—life situations can change. These relationships are critical to the success of any prevention program.

"We try to see that none of our congregation of 2,000 is on welfare," says Bishop Phillip Coleman of Greater Bethlehem Temple Apostolic Faith Church in Jackson, Mississippi. "There were some in the past, but we have helped them find jobs." That's the affirmative answer to the end of welfare, the answer that insists that faith make a difference in everyday life.

Unfortunately, for many churches the answer is no, and for two reasons: Some religious leaders will assert that care for the poor is the responsibility of the government. Others will claim that churches just do not know how. They are able to give things, including holiday food baskets, but they do not know how to recruit, train, supervise, or affirm church members to come alongside a disadvantaged family.

Governors should recognize that church leaders would require training to help them build within their own congregations the infrastructure for a volunteer services system, one that prepares church members to mentor and assist economically disadvantaged families.

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Such training could be provided by church volunteer organizations such as Kids/Hope/USA or Love, Inc. Unlike subsidy-based programs such as AFDC, the church-based system combines a case management model with a virtual army of church volunteers.

Trained, supervised, and affirmed, these volunteers represent the rich diversity and gifts that exist in most local churches. Old and young, single and married, male and female, rich and poor, single- and two-parent families, black, brown, and white—these caring friends can draw on their life experiences and a shared value system to offer physical, emotional, and spiritual support for the family.

Here's what a church-based outreach to welfare families would look like: Each disadvantaged family and an assigned church mentor work with a case manager at the church to assess immediate and long-term needs, creating a three-to-six-month empowerment plan for the family. After addressing the family's immediate needs, the mentor uses the plan as a guide to link the family with other community resources and with trained church volunteers.

It's the volunteers who really roll up their sleeves. They provide direct assistance with housing, job training and placement, child care, tutoring, living skills, and other developmental services. On-going evaluation of the caregiving relationship insures that the experience is productive for the volunteers and the client family.

Communities have a right to expect the church, the most sustainable neighborhood organization, to provide specific spiritual and developmental services for families in need. "The battered children and broken families in my care have an urgent message for the church," says Loren Snippe, director of the welfare department in Ottawa County, Michigan. "Welfare systems can only treat the symptoms of need; they can give food and money, but they can never share the living skills and values required to change lives. That is the role of the church."

Should government be in the business of forcing the church to help the poor? Probably not. But if America's churches claim any fidelity to the New Testament pattern, the state shouldn't have to.

VIRGIL GULKER *is founder of Love, Inc., a clearinghouse that links churches with community needs. He now serves as executive director of Kids/Hope/USA in Spring Lake, Michigan, which builds volunteer service infrastructures within local churches.*

STAR PARKER

When I applied for Aid to Families with Dependent Children in the early 1980s, the negative stigma of going on welfare had been replaced with the notion that I was a victim of society, and therefore welfare was owed to me. Welfare was the easiest option, with the only restrictions to return my CA-7 questionnaire within five days of receiving my check, to not open a bank account or receive cash or gifts with value exceeding $25, and to not marry or move in with a man.

And as with so many others raised under the liberal notion that welfare is an obligation of the rich to the poor, I'd decided that returning to my parents home was childish; getting married was Victorian; seeking full-time employment was for Uncle Tom.

Very few in our nation today actually need welfare payments, food stamps, and housing assistance. Even many of those living in the housing projects of Los Angeles find money for hair dressers and nail salons, and wear Cross Colors and Nike's. If the government were to stop adding more people to the welfare rolls, many of these people would be forced to find work and live within a budget.

The harsh realities to ending additional welfare benefitswould be with individuals and families who need temporary help to weather hardships. But from what I've seen, and from the people I talk with on the air, AFDC in its current form is not the sort of help they need.

Consider the 38-year-old grandmother in South Central Los Angeles who lives with her 16- and 18-year-old daughters, both of whom have children, both receive AFDC, food stamps, Section-8 rent credit, and HMO medical services. Their combined, monthly government package is equivalent to about $2,135.

Now consider what their lives could be like without government assistance: Both teenagers find minimum wage jobs, bringing in $700 a month each, while their mother baby-sits their three children for free and takes in three more at $50 per child per week, or over $600 a month. If the men who fathered these children paid child support of only $100 a month, this household would have

"COMMUNITIES HAVE A RIGHT TO EXPECT THE CHURCH TO PROVIDE SPECIFIC SPIRITUAL AND DEVELOPMENTAL SERVICES FOR FAMILIES IN NEED."— VIRGIL GULKER

another $300 a month. Add it all up, and the combined income is $2,300 monthly minus taxes.

A misconception among many Americans is that these unwed mothers and other welfare recipients don't have families to take care of them, or that those families are too poor to help. Most of the welfare recipients I talk to have access to extended middle-class family members who would more readily provide help if welfare was not available. Of course it would be inconvenient to rely on family help, and of course it would involve sacrifice—but isn't that what families and friends are supposed to do in times of crisis?

Would the cut-off of welfare lead to more abortions, domestic violence, and theft? In the short run, probably so. But there is every reason to believe that extended families and community-based groups such as churches, half-way houses, and Salvation Army outposts would step into the lives of the poor in transition. Orphanages and group homes could be opened to provide for indigent children and families. Perhaps the best way for the government to help is to give these groups tax breaks and create new tax incentives for donations to them.

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Star Parker: "Welfare in the 1990s is not like it was in the 60s. Today it's an option, rather than a springboard."

Welfare in the 1990s is not like it was in the 1960s. Today it's an option, rather than a temporary springboard to help families recover from external hardships. The system has evolved into a permanent dependency that perpetuates illegitimacy and criminal behavior.

I am fully confident that our society is capable of dealing with the problems resulting from cutting off welfare benefits. I believe we have a vast number of resources to tap into that could handle the problems of the poor. Government has destroyed its own system and now it's time for a new approach.

STAR PARKER *is the founder and president of the Coalition on Urban Affairs and hosts a daily radio show on KGER in Los Angeles. Ms. Parker was a single mother who lived on AFDC for more than three years before starting a successful publishing company.*

JOHN M. PERKINS

All we have to do is look at the condition of our cities, and we can see the effects of welfare. Programs like AFDC, combined with food stamps and housing assistance, although meant for good, have broken up more families than slavery ever did. As a result of these broken families, children are being raised without fathers in the home. This single fact contributes more than anything to the chaotic atmosphere in our inner cities.

But what would be the outcome of terminating such programs—of not adding any more recipients to the welfare rolls?

A lot depends on whether our motives are pure. And in this case, the perception will be just as important as the reality. If blacks and other minorities believe that conservative whites want to terminate welfare because they are cold-hearted racists who only care about saving tax dollars and who do not have the best interest of the black community at heart, there will be a backlash so severe it would make any kind of welfare reform nearly impossible.

Therefore, in our attempts at welfare reform, leadership should be broad-based: It should include traditional liberals and conservatives and, in particular, it should have visible black leadership. Saving tax dollars must not be the primary motivation for welfare reform. Our motivation must be a genuine concern to free those who are trapped in the destructive grip of the welfare cycle.

For those of us who live in the inner city, the idea of removing the "economy" that is generated by food stamps and AFDC is a frightening thought. I assume that there will be a temporary increase in crime in order to fill the vacuum left by the loss of this reliable income. However, because we are not talking about cutting existing benefits, only potential ones, this rise in crime should be minimal and short-lived.

The real goal of welfare reform is stable, two-parent families creating a livelihood for themselves and their children. This concept is generally passed down from generation to generation through intact families. But because of the damage of several generations of people who know nothing about the work ethic or of the discipline necessary to keep a family intact, cutting welfare should only be the first step. Education—including everything from how to function as a family to the fine points of holding down a job—must be made available and insisted upon.

This is where churches and social care ministries come in. In a recent article, William Raspberry emphasized the important role private charity can play: "Private charity establishes a bond—a sort of social contract between donor and recipient, giving the latter both the incentive and the opportunity to even the books."

Much has been written in the past couple of years about the role churches and grass-root religious organizations are playing in the development of families and communities. People who are motivated by their religious convictions are much more effective at administering charity than impersonal government agencies.

Why? Because they are much more likely to do what is in the best interest of the person asking for help, even if it involves "tough love." But what often happens is that these individuals and institutions find themselves competing with the government for the loyalty of the welfare families they are trying to help. I've seen this scenario too often: We say, "if you don't make improvements in your life, then you really don't want our help." And then the veterans at system manipulation say "fine"—and move right into the welfare system where there is much less personal accountability.

Private organizations demand accountability and therefore are in the best position to develop families and communities.

The problem with private charity is that it is not very

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well coordinated. There is no link between different charity organizations, and there is often very little link between the greatest needs of the community and the giving of an organization.

There must also be a centralized way to connect someone in need with an organization that can meet that need. For instance, there would have to be a working relationship between the welfare office and people in the community. The church could not go out and look for these people; the welfare office would have to work with them. All of those who apply for welfare would be referred to one of these select churches or organizations (depending on location) to take the responsibility for the nurturing of these people.

I recently visited an organization in Canada called NeighbourLink, which is working to do exactly this. NeighbourLink helps private charities respond to the needs of their neighbors by creating a network of churches and service agencies and linking them with community needs. NeighbourLink serves as a clearinghouse for these agencies, which helps to avoid duplicating efforts of social agencies and keep them in tune with the needs of their community. (There is a similar organization in the United States called Love, Inc.) In most places, by applying these ideas, we would see a successful response to the needs of the poor.

There are, however, areas in which the concentration of welfare recipients is too great. Places like Gary, Indiana; Watts, Los Angeles; Chicago's south side. In these places, charities would feel overwhelmed by the sheer numbers. In such neighborhoods we have the greatest demands and the fewest resources. These are vast, needy communities where churches are very weak. In such places there would need to be a link of resources: a link between the inner-city church and the affluent suburban church; a link between the foundation and the indigenous ministry.

In this area there is another hurdle that must be cleared. There has been a poor history of affluent white churches working with indigenous black leadership. Instead, white churches give most of their support to members of white-led ministries who are new to the community and who may not even live there. This makes access to resources difficult for the people who could make the most difference in the community—those who live in the needy areas and know them well.

There is a national church-based group called the Christian Community Development Association, which is already doing a good job at bringing together suburban and urban churches and linking private charity with local ministries within the inner city. What makes this association unique is that the people who are working in the community are also committed to living there and making changes from the inside out. It is people like these who should be trusted with the responsibility and the resources to move individuals and families from the welfare rolls to the tax rolls.

JOHN M. PERKINS *is publisher of* Urban Family, *a Mississippi-based magazine that promotes personal responsibility, character development and racial reconciliation. He is a frequent speaker at churches and community groups.*

John M. Perkins: "The real goal of welfare reform is stable two-parent families creating a livelihood for themselves and their children."

REVEREND ROBERT A. SIRICO

Between November 1980 and January 1981, many able-bodied people receiving welfare benefits were petrified that Ronald Reagan would slash welfare completely. They hustled to get jobs. Many eventually got back on the dole. They became convinced that the reality would diverge from campaign rhetoric. But it was clear that simply fearing the loss of social assistance may have been the greatest motivator to get their lives in order.

Times have changed. In those days, the politicians who controlled the purse strings were committed to a doctrine of redistributionism, and failed to understand basic economic logic. Those in charge today will surely take a more sophisticated view. They understand that using government to subsidize socially destructive behavior is neither smart nor moral. At the very least, we should begin to see a reversal of the most egregious aspects of the social assistance state and the dependency it fosters.

It is time to begin drawing up blueprints for what we are going to have to do after AFDC and other welfare programs are gone. Private charity will have to swing into high gear. People of goodwill will have the responsibility to engage themselves, on a much greater scale, in the problem of how to help the needy.

Real charity brings with it a host of practical advantages over government programs. But it too can produce incentives to destructive behavior if economics is not taken into account. We must be wary of replicating the mistakes of government welfare. People will have to stretch their imaginations, and not just look to the welfare model. We

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"The ultimate goal of private efforts should be to strengthen the sufficiency of poor individuals. Real assistance should look deeper than mere material help."—Rev. Robert Sirico

will have to carefully reflect on what constitutes human happiness and tailor our charitable efforts to suit the answers.

The ultimate goal of private efforts should be to strengthen the self-sufficiency of poor individuals. Real assistance should look deeper than mere material help. It should consider how the assistance will affect character and behavior. It must be sensitive to the human need to be productive. The efforts should not simply aim to make people feel as if they are making progress by receiving cash subsidies or the private duplication of government food stamps; genuine charity should do whatever is possible to take away the barriers to authentic self-sufficiency.

Remember the fuss over so-called "McJobs" in the 1980s? Liberals filled their days taking stabs at the very work ethic that is critical to self-respect and, consequently, human happiness. They believed food stamps gave a level of dignity to the poor that soup kitchens could not offer. But what of the dignity that comes with real productivity? Authentic dignity comes from using one's talents to the fullest. Self-respect to a large extent comes from mixing our labor with social resources in the market economy. Even private charity can sometimes serve as an impediment to this end.

As part of my training in the seminary, for example, I worked at a soup kitchen in a church basement in the Anacostia neighborhood of Washington, D.C. The nun running the operation told me that the numbers of diners would fluctuate daily, and that the group would be smallest on the days right after the arrival of welfare checks. There was no means test to receive a meal. Some days whole families would arrive for their meal. I witnessed one person arrive in a taxi. One couple told me they needed to eat quickly since they were planning to go shopping after dinner.

Certainly many clients of the soup kitchen needed the meal, so we had done well by them. But what about those who had simply treated it as a convenience? Our efforts did not help them to lead virtuous lives. In fact, it created a disincentive for them to spend their money wisely and to use their time well. It may have filled them with nutritious food, but it did not encourage them toward long-term independence.

There are, of course, positive charitable schemes that should be used as models. One is the St. Martin de Porres House of Hope, a homeless shelter in Chicago run by Sister Connie Driscoll. In 11 years, the shelter has served well over 9,000 homeless women and children. It has seen the birth of 1,100 babies and cared for more than 400 pregnant teens and pre-teens. The shelter operates on an average of $6.38 per person per day. Compare that with the national shelter average—mostly subsidized—of $22 per person per day. Only 6.5 percent of those who have been through Sr. Connie's program return to the streets. The shelter receives no federal, state, or local government financial assistance.

Sr. Connie's program is unusually successful because she treats each resident as an individual with free will whose needs are much deeper than mere material provision. She requires her residents to have a certain amount of discipline and show a willingness to help themselves. They must continue their education or job training, learn skills, and rid themselves of drug habits. They must take care of their children. Sr. Connie's approach helps her women become responsible members of the community. She knows there is dignity in productivity and self-improvement. To her charity is not a right, but a privilege with attendant obligations.

With the Republicans controlling the House and Senate, there will be significant opportunities to work toward dismantling the welfare state. With such opportunities come obligations, especially by men and women of faith, to come to a deeper understanding of the needs of the poor. They will be called to use their hearts—and their minds.

REV. ROBERT A. SIRICO *is president of the Acton Institute for the Study of Religion and Liberty in Grand Rapids, Michigan.*

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Bench Mark

Conservative Principles for Rejecting Clinton Judges

Peter J. Rusthoven

Thanks to the GOP landslide, President Clinton is unlikely to achieve any major legislative victories for liberalism during the next two years. But that does not mean the liberal agenda is dead. The Clinton Administration and liberal-left interest groups almost certainly will try to use the federal courts to win through judicial activism results unobtainable through the democratic process. And we can expect the president to move aggressively in nominating judges.

Conservatives, especially on the Senate Judiciary Committee, must be ready for them. If conservatives hope to depoliticize the courts, they must be armed not with retaliatory tactics, but with clearly articulated and constitutionally grounded reasons for rejecting inappropriate judicial nominees. Simply put, conservatives should not establish their own political litmus tests for court candidates. Rather, they should be fighting the whole notion of a "political branch" judiciary—and should be refusing to confirm nominees in whom that notion has effectively taken hold.

The Clinton Bench

There are likely to be more than a few opportunities to do so. President Clinton already has appointed a great many federal judges, and will appoint—or certainly nominate—a lot more. Much of the thanks goes to a Democratic-controlled Senate that held up scores of Bush appointments. While the Bush Administration got some of its highest marks from conservatives on the quality of its judicial selections, it also left office with a dramatic number of vacancies—well over 100—waiting to be filled by its successor.

As a result, the first Democratic President in 12 years was able in the next two to name some 140 judges, or over 16 percent of the entire federal judiciary. Meanwhile, attrition has created further openings, yielding a current vacancy figure of about 60. Hence, even if we have reached the mid-point of the Clinton era, much of the Clinton mark on the federal bench will be made in the two years that remain.

This will be true even if this period sees no changes on the Supreme Court. Action at the Supreme Court level, whether it involves a decision or a nominee, garners the most headlines; but it is scarcely where all the action is. Indeed, the real world impact of even the most high-profile Supreme Court pronouncements can often turn on the interests and judgments of the men and women who sit on federal district courts and circuit courts of appeals. It is to these courts that liberal forces will be laboring most feverishly to help appoint activist judges—judges who are poised not to interpret law but to enact social agendas.

Where the Action Is

The Supreme Court got lead-story attention, for example, when it announced in the 1991 *Oklahoma City* case new standards designed to foreclose perpetual federal judicial supervision of formerly *de jure* segregated school systems. The Court will get the same kind of attention this term when it revisits the issue in the *Kansas City* case now before it.

Few realize, however, that it is a federal district judge who will make the highly-nuanced "fact" findings that will determine whether the Court's new criteria have been met in any given case. The lower federal court ruling, then, will determine whether ultimate authority over a school district will revert to school board members elected locally for fixed terms, or remain in the hands of a life-tenured federal jurist.

Of greater practical importance is the composition of the federal circuit courts of appeals. These have immediate appellate jurisdiction over decisions of the district courts, with appeals typically resolved by a three-judge circuit panel. Because the Supreme Court can review only a handful of cases each year, for 95 percent or more of all litigants these circuit panels are the *de facto* "court of last resort."

And their decisions can be profoundly important. Absent supervening Supreme Court authority, a court of appeals precedent is binding on every district court within that geographic circuit, and will commonly have persuasive impact on other circuit and district courts as well. Five out of nine members of the Supreme Court may arrive at a highly publicized new legal rule; but two out of three circuit judges that most people have never heard of

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Folio

Incoming Senate Judiciary Chairman Orrin Hatch (right) confers with fellow-committee member Strom Thurmond. In evaluating judicial nominees, Senator Hatch and his colleagues on the committee must transcend the policy disputes that are the rightful province of the legislative and executive branches.

can determine the practical impact of that principle in a variety of situations the Supreme Court may never have anticipated.

The circuit courts are also the primary battleground over the scope of broadly—and loosely—phrased legislation, such as the Americans With Disabilities Act or the 1991 Civil Rights Act. The same is true as to the authority conferred on the Environmental Protection Agency, the Occupational Safety and Health Administration, and the host of other agencies that dot the firmament of an ever-expanding regulatory universe. Even for these issues that do percolate to the Supreme Court, the process typically takes years, with appeals court rulings serving as the "law of the land"—or at least that portion of the land that lies within the circuit.

Hence, observers who confine their analytic focus to the two Clinton Supreme Court nominees—Ruth Bader Ginsburg and Stephen Breyer—are overlooking a big chunk of the landscape. Meanwhile, district and circuit court openings will offer ample opportunities to appoint activist mischievists—and much of the mischief-making will be below the public and media radar screen.

What to Look For

Special interest pressure on the nomination side is precisely why the next two years require that the new Senate majority be vigilant with confirmation. The basic reason for such pressure from the interest-group left—*i.e.*, its view of the judiciary as a kind of political branch of last resort—also identifies the proper object of GOP vigilance.

In short, adherents to a genuinely conservative judicial philosophy should be looking for the disease of judicial activism itself. To be sure, its symptoms may well be manifested in particular results of particular cases, with which one also disagrees as a matter of politics or policy. But results *per se* should not be the issue when it comes to judicial selection and confirmation. Conservatives should not become the mirror image of the foes of Robert Bork and Clarence Thomas, armed with series of questions intended to probe how the judicio-political "candidate" will "vote" on the key "issues." Rather, it is the essence of principled conservative jurisprudence that issues of politics and policy should be resolved in the legislative and executive branches, and that a judge—whatever his or her personal views on the matter—should honor and enforce any result that is not constitutionally proscribed.

This principle can, of course, be violated by judicial activism from the right as well as from the left. Every law student learns, for example, how the economic views of Supreme Court justices in the early 1930's led them to strike down a number of New Deal legislative initiatives.

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But the more virulent and prevalent strains of judicial activism in our era are plainly found on the left of the spectrum—which just as plainly is where the present administration will be looking to find its judicial nominees.

Where, then, can clear indications of a disqualifying tendency towards judicial activism be found? Without pretending to present an exhaustive list, there are several important areas where a result-oriented activism is either especially apparent or especially likely to be located.

Proud to Be PC

As in any search, one should never overlook the obvious. At times, a demonstrably tendentious approach to decisionmaking—which should be an automatic disqualifier—will be evident on the face of a nominee's record.

One of the clearest recent examples is provided by H. Lee Sarokin, appointed to the federal district bench in New Jersey by Jimmy Carter. In 1992, Judge Sarokin presided over a personal injury action against cigarette manufacturers, and was called on to decide whether certain documents were (as the manufacturers contended) protected by attorney-client privilege. He launched his opinion on this issue with the following broadside:

> All too often in the choice between the physical health of consumers and the financial well-being of business, concealment is chosen over disclosure, sales over safety, and money over morality. Who are these persons who knowingly and secretly decide to put the buying public at risk solely for the purpose of making profits and who believe that illness and death of consumers is an appropriate cost of their prosperity! As the following facts disclose, despite some rising pretenders, the tobacco industry may be the king of concealment and disinformation.

The facts surrounding the issue of attorney-client privilege were buried under the weight of Sarokin's personal disdain for the tobacco industry, with the judge rejecting the claim of privilege. Moreover, in the course of doing so, the Judge also quoted extensively—in a published order—from the very documents as to which privilege had been claimed.

That was more than the Court of Appeals for the Third Circuit was willing to stomach: It unanimously vacated the order, and took the virtually unheard of step of removing Judge Sarokin from the case, as he had abandoned even an appearance of impartiality. Judge Sarokin responded by making the following statement in another published opinion:

> I fear for the independence of the judiciary if a powerful litigant can cause the removal of a judge for speaking the truth based upon the evidence, in forceful language that addresses the precise issues presented for determination. If the standard established here had been applied to the late Judge John Sirica, Richard Nixon might have continued as President of the United States.

Judge Sarokin, self-proclaimed champion of truth, then accepted an award "for significant achievement toward creating a smoke-free society," conferred by an organization styled Group Against Smoking Pollution, a-k-a "GASP"—get it?

Having an order vacated because of bias, accusing one's judicial superiors of being in pawn to powerful tobacco interests, accepting awards from advocacy groups—for all of this and more, Judge Sarokin merited judicial censure. Instead, President Clinton gave him a judicial promotion, elevating him to the Third Circuit where he now sits.

Due Process, Equal Protection...

A predilection for imposing a politically preferred result will rarely be worn on the judicial sleeve as openly as it was by Judge Sarokin in the tobacco case. However, a judge's application of certain constitutional provisions—including "freedom of speech," "due process," and "equal protection"—can provide telling indications that the identical impulse lurks beneath the robe.

This is because these particular constitutional guarantees—plus, of course, the amorphous "right of privacy," found nowhere in the constitutional text—have proven infinitely elastic in the hands of activist legal theorists; they can be stretched and contorted so that any desired outcome can be made to fit the category of the constitutionally "compelled."

A random review of recent issues of leading law journals is revealing. The May 1994 *Michigan Law Review* contains praise from Georgetown Law Professor Robin West for University of Chicago Law Professor Cass Sunstein, one of the bright lights of contemporary constitutional thinking in the academy. Sunstein's latest book

ADHERENTS TO A GENUINELY CONSERVATIVE PHILOSOPHY SHOULD BE LOOKING FOR THE DISEASE OF JUDICIAL ACTIVISM ITSELF.

explains (in the words of West's review) that much of what we believe is *un*constitutional—including campaign spending limits and prohibitions against hate speech—"may in fact not only be constitutionally permissible but in some ways constitutionally obligatory." This is so, West indicates, because familiar distinctions between private and state action are wrongheaded. In fact, "there is no meaningful realm of purely private life."

Instead, we must come to understand that any "status quo the legislature failed to change is itself a product of legally created—hence state-created—rights and obligations." It follows that "[r]ather than being inappropriate intrusions," regulations of campaign spending or even broadcasting "are better seen as legislated corrections of a status quo that is itself state created and manifestly unjust. Because the Constitution in a sense demands of us an ever-vigilant stance toward the possibility that the

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status quo is unjust, these correctives should be constitutionally applauded, not constitutionally suspect."

Under this sort of analysis, where everything can be viewed as "state action," anything considered "manifestly unjust" lights up the constitutional applause sign for whatever one deems the appropriate "corrective." Welcome to the world of "modern" constitutional doctrine.

Legions of acolytes less prominent than Professor Sunstein also advance this liturgy. For example, Janet Ainsworth, associate professor at the University of Puget Sound School of Law, assaults common sense in her November 1993 *Yale Law Journal* article. Ainsworth challenges—"as an insufficient protection of constitutional rights"—the rule that a criminal suspect's invoking of the right to counsel should be "clear and unequivocal." Her thesis rests on "socio-linguistic research that indicates that individuals in positions of powerlessness—women, minorities, and indeed criminal suspects generally—are apt to use indirect and qualified modes of performative speech."

Since, she reasons, the law favors "direct and assertive speech" – which presumably means statements like "I want a lawyer"—it "discriminates against powerless groups." Therefore, Ainsworth argues, the Constitution requires that "courts should treat even ambiguous and equivocal requests as per se effective invocations of the right to counsel."

Student writing from our random survey demonstrates that "modern" constitutional theory is also being well taught. In the April 1994 *Yale Law Journal*, William Hohengarten, in "Same-Sex Marriage and the Right of Privacy," explains how the latter half of his title compels the States to give legal sanction to the former.

Hohengarten purports to root his thesis in a "functional perspective" of marriage—*i.e.*, "the functions it uniquely serves,"—while simultaneously arguing that the "procreative interpretation of marriage" reflected in most court decisions is "unsupported by state domestic relations law." In addition to these analytic acrobatics, the article pirouettes around the Supreme Court's 1986 decision in *Bowers* v. *Hardwick*, which upheld state power to prohibit homosexual conduct; the author claims the ruling "does not imply that the state may also prohibit two persons of the same sex from marrying each other." One is left to wonder what he thinks is the meaning of the verb "imply."

It would be a serious mistake to dismiss these examples as so much activist academic froth. In this era of the "living Constitution," yesterday's outlandish theory becomes today's cutting-edge court argument—and stands a good chance of turning into tomorrow's binding precedent. For example, the idea that the Constitution compels campaign spending limits and public financing is already the subject of a test case filed by 28-year-old Boston lawyer John Bonifaz. As reported in the October 21, 1994 *New York Times*, Mr. Bonifaz is of the view that advantages enjoyed by candidates who have or can attract more money creates a "wealth barrier" to elective office, which offends the constitutional "equal protection guarantee" and also "violates the First Amendment rights of speech and association of candidates who cannot raise enough money to assert those rights." "Legal scholars and practitioners," says the *Times*, "are divided over the validity of Mr. Bonifaz's legal theory."

CONSERVATIVES MUST DEVISE AND DEFEND A PRINCIPLED BASIS FOR SCRUTINY OF —AND WHERE APPROPRIATE, OPPOSITION TO —JUDICIAL NOMINEES.

As Judge Bork persuasively demonstrates in *The Tempting of America*, there is literally no limit to this kind of thing. Constitutional theory, to the extent that is no longer leashed to the text and history of the document itself, becomes so much legerdemain, an elaborate exercise in masking an inexorable march towards an outcome dictated by little more than one's own view of the "correct" result.

One almost longs for the simple candor of Georgetown's Mark Tushnet, who—in response to the question how he would decide a given case—stated: "My answer, in brief, is to make an explicitly political judgment: which result is, in the circumstances now existing, likely to advance the cause of socialism? Having decided that, I would write an opinion in some currently favored version of Grand Theory."

Clear and Present Dangers

There is little danger that Tushnet or others intent on imposing explicitly socialist political judgments are about to ascend the federal bench. However, judges who adhere to what Judge Bork calls "liberal constitutional revisionism" can bring about plenty of serious harm this side of socialism. Two factors about such rulings compound the damage: 1) they will, by the nature of the cases decided, conflict with the political judgments reached through the democratic process; and 2) they will then be very difficult to overturn through that process, because of the special hurdles that must be cleared to amend the Constitution.

Serious attention, then, must be directed to a prospective federal jurist's record on due process, equal protection, and other aspects of constitutional rights jurisprudence. This is the area where the potential for activist mischief is at its greatest, and where the practical impact of that mischief is serious and hardest to fix. It is also the area where, if a nominee harbors an inclination towards result-oriented mischief making, it is very likely to have been revealed.

Unfortunately, good examples can be drawn from the ranks of judges already appointed by President Clinton. Judge Sarokin once more leads the way: He argued that the First Amendment, due process and equal protection forbade the Morristown, New Jersey public library from expelling a man who regularly disrupted and intimidated patrons and staff.

The library rules were challenged by a homeless man named Kreimer, who reportedly had squandered a

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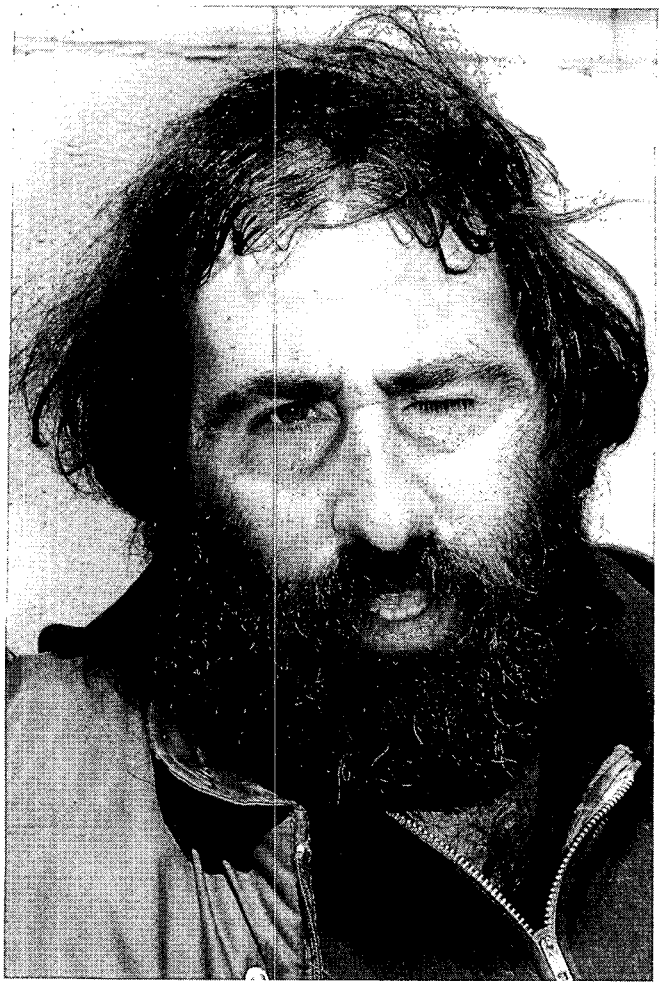

New Jersey Newsphotos

Activist Judge Lee Sarokin determined that the Morristown, New Jersey, library could not expel Richard Kreimer (above), even though Kreimer's offensive body odor and intimidating manner drove patrons away.

$340,000 inheritance, turned down job offers, and refused to live in a shelter. He preferred instead public environs like the library, where staff reported he was given to staring at and following library patrons, talking loudly to himself and others, and emitting a body odor sufficiently overpowering to prevent patrons and staff from using certain areas of the facility.

Judge Sarokin, however, found the library was a "quintessential" and "traditional" public forum for First Amendment purposes—a rather curious concept to those who can recall being "shushed" by a librarian. He also held that the "offensive odor" rules 1) violated substantive due process, as a "reader-based restriction" wrongly penalizing a disfavored or disliked class of people, and 2) violated equal protection because of the "disparate impact" on persons lacking regular access to showers and laundry facilities. He also lectured that "[i]f we wish to shield our eyes and ears from the homeless, we should revoke their condition, not their library cards."

The Court of Appeals for the Third Circuit chose unanimously to revoke Judge Sarokin's decision, rejecting his constitutional "analysis" as markedly out-of-step with controlling precedent on all fronts. No one need doubt, however, that in his new status as a member of the Third Circuit himself, Judge Sarokin retains the outcome-based dexterity with First Amendment, due process and equal protection concepts that were on display in his *Kreimer* decision.

Inventing Rights: Frozen Embryos

Another example is supplied by Martha Craig Daughtrey, a friend of Vice President Gore's who served on the Tennessee Supreme Court before being appointed by President Clinton to the Court of Appeals for the Sixth Circuit. In 1992, she crafted the former court's opinion in the highly publicized *Davis* case, involving a divorcing couple's dispute over rights to jointly produced "frozen embryos" stored in a fertility clinic.

Judge Daughtrey concluded that the matter should be resolved by an *ad hoc* balancing test, weighted strongly in favor of "the party wishing to avoid procreation." To do so, she first divined a state constitutional "right of procreational autonomy" from provisions of the Tennessee Constitution dealing with freedom of worship, unreasonable searches and seizures, freedom of speech, and even quartering of soldiers in private homes.

She then discovered a right of voluntary "gamete-providers" to avoid unwanted genetic parenthood. The latter "right" was premised in large measure on the "profound impact" on the "providers" of this undesired status. On this point, Judge Daughtrey cited observations by "psychotherapists" that were mentioned in a footnote in a working paper titled "Feminist Perspectives on Reproductive Technologies."

Judge Daughtrey's *Davis* decision, notable for its prolific generation of "rights," came down shortly before the U.S. Supreme Court's *Casey* decision—which many on the left feared would overrule *Roe v. Wade.* As one Republican Judiciary Committee staffer perceptively observed, there is little doubt that Judge Daughtrey's frolics and detours in *Davis* were driven by a desire to create a Tennessee version of *Roe.*

A further example from the ranks of Clinton nominees may soon be forthcoming. As of this writing, the administration was contemplating Peter B. Edelman for nomination to the Court of Appeals for the D.C. Circuit, often considered the nation's second highest court. Edelman is now on leave from the Georgetown Law Center and serving as counsel to Health and Human Services Secretary Donna Shalala. As described in a recent column by Paul Craig Roberts, Edelman decries "the horrendous maldistribution of income" in America, and has theorized about an obligation of "affirmative intervention" by the courts as the next stage in the evolution of social justice. Hence, Mr. Edelman has published law review articles arguing for "a constitutional right to a 'survival' income." So much for welfare reform. Clearly, this is the kind of activist legal theory that the Senate should prevent from evolving into legal precedent.

Death Penalty Cases

A third recommended focal point of Senate scrutiny is a nominee's record on death penalty cases. The reason does not involve seizing a pretext to inflame public opinion with the sickening details of capital crimes. Nor does

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death penalty jurisprudence merit special focus because the outcomes in these cases either do or should have primacy on some results-oriented agenda of the right. Rather, death penalty cases deserve close attention in the confirmation process because capital punishment presents the most notable head-on conflict between long-standing liberal convictions and a prevailing contrary consensus—embodied in state and federal law—among the citizenry.

To be sure, the effort to invalidate capital punishment as "cruel and unusual" (under the same Constitution that repeatedly recognizes the death penalty) lost its last Supreme Court champions with the departures of Justices Brennan, Marshall and Blackmun (the last being a late convert). But visceral distaste for the death penalty, accompanied by deep conviction that the public has made the wrong moral choice on this issue, remains a dominant personal view among liberal lawyers and judges. A judge's record in capital cases, then, is a good window into whether a jurist would impose personally desired outcomes—on any issue—that frustrate the legislative will of the majority.

Senator Orrin Hatch, in his floor statement opposing the recent nomination of Florida Chief Justice Rosemary Barkett to the Court of Appeals for the Eleventh Circuit, caught the essence of what his colleagues should be alert to: "a clear tendency to strain for unconvincing escapes from the imposition of the death penalty in cases where the imposition of that penalty is appropriate" under the law. Judge Daughtrey, for example, displayed that tendency on the Tennessee Supreme Court by never once voting to affirm a death sentence on direct appeal.

Ideology Over Evidence

With Florida's Justice Barkett, the identical tendency found expression in numerous cases where hers was either the sole vote, or one of only two, against imposing a capital sentence. Another case involved the slaying of an 18-year-old by a man named Dougan, leader of a self-styled "Black Liberation Army." His "apparent sole purpose," as the trial judge observed, was "to indiscriminately kill white people and thus start a revolution and a race war."

After the murder, Dougan sent tapes to the media and the victim's mother reciting how he had "enjoyed every minute of it," and had "loved watching the blood gush from [the victim's] eyes." Justice Barkett thought the death penalty "disproportionate" in these circumstances and joined a dissent containing the following remarkable statement, worth quoting at length:

> This case is not simply a homicide case, it is also a social awareness case. Wrongly, but rightly in the eyes of Dougan, this killing was effectuated to focus attention on a chronic and pervasive illness of racial discrimination and of hurt, sorrow, and rejection. Throughout Dougan's life his resentment to bias and prejudice festered. His impatience for change, for understanding, for reconciliation matured [*sic*] to taking the illogical and drastic action of murder. His frustrations, his anger, and his obsession of injustice overcame reasons. The victim was a symbolic representation of the class causing the perceived injustice.

The dissent also suggested that Dougan's "emotions were parallel to that of a spouse disenchanted with marriage," and added: "We seldom uphold a death penalty involving husbands and wives or lovers, yet the emotions of that hate-love circumstance are somewhat akin to those which existed in this case."

In another dissent, Justice Barkett contended that the equal protection clause of the Florida Constitution required that death sentences be invalidated based on "statistical evidence" of discriminatory impact in capital sentencing, even if the alleged impact "cannot be traced to blatant or overt discrimination." Further, she argued that "statistical" should be broadly construed to encompass not only data about disposition of first-degree murder cases, but other information that "could suggest discrimination"—including the "general conduct" and "hiring practices of a state attorney's office," and even "the use of racial epithets and jokes."

Justice Barkett was unpersuaded by the Supreme Court's 1987 *McCleskey* decision, which held that violation of federal equal protection required a showing of purposeful discrimination and a discriminatory effect on the capital defendant. In her view, *McCleskey* failed to address the problem of "unconscious discrimination."

VISCERAL DISTASTE FOR THE DEATH PENALTY, ACCOMPANIED BY THE DEEP CONVICTION THAT THE PUBLIC HAS MADE THE WRONG MORAL CHOICE ON THIS ISSUE, REMAINS A DOMINANT PERSONAL VIEW AMONG LIBERAL LAWYERS AND JUDGES.

There can be little doubt that Justice Barkett's death penalty views, had they prevailed, would have effectively eliminated capital punishment from the arsenal of criminal penalties chosen by the citizens of Florida through their elected representatives. The point here, of course, is that whatever the wisdom of that choice, it was theirs—not hers—to make.

Advise and Consent

In addition to the examples cited, result-oriented judicial activism can be found just about anywhere—including cases involving statutory construction, regulatory interpretation or even routine disputes between private litigants. Wherever one looks, however, the focus must be on activism itself, not particular results in particular cases.

Conservatives must also foreswear any impulse to revenge. Many rightly complain of the raw politicization of

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the judicial confirmation process, exemplified by the liberal fusillades against Judges Bork and Thomas. A Republican-dominated Senate may even be forgiven flickering thoughts of retaliation as it awaits the next round of candidates.

But vengeance politics can only further corrupt the nomination process. Instead, conservatives must devise and defend a principled basis for scrutiny of—and where appropriate, opposition to—judicial nominees. That scrutiny should be focused not on the political implications of judicial rulings *per se*, but rather on the activist philosophy that may lurk beneath.

Chairman Hatch's record demonstrates that he understands and embraces this vital distinction. There has been no wholesale opposition to Clinton judicial nominees; the Daughtrey, Barkett, and Sarokin nominations pretty much exhaust the list of instances where serious opposition was expressed. In such instances, the Hatch floor statements have made clear that the nominee's judicial record was disturbing less for specific outcomes reached as for its revelation of an outcome-driven, activist approach. The statements also have conspicuously eschewed any personal attacks on the nominees—a policy that commends itself with even greater force as a guide to the decent and responsible exercise of majority power.

The further challenge and opportunity facing the new Senate is one of education. Former Yale Law School Dean Eugene Rostow once described Supreme Court Justices as "inevitably teachers in a vital national seminar." Members of the Senate, in discharging their judicial confirmation responsibilities, are at least guest lecturers on the constitutional system that is our common heritage. Particularly in the wake of the Thomas and Bork proceedings, the American public desperately needs to learn anew that a different vision was intended and remains possible. Senator Hatch and his colleagues in the new majority must continue to demonstrate by example that decisions to support or oppose a nominee can be made on civil and principled bases, which transcend the policy disputes that are the rightful province of the legislative and executive branches. If they do so, they will have retaught a valuable lesson indeed.

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Clearing the air

Who's in the driver's seat?

Congress passed the original Clean Air Act in 1967 after it had become clear that the nation's air quality was deteriorating. Since then, there have been three major sets of amendments, each providing broader, stronger and more comprehensive legislation. Most recently, the 1990 Clean Air Act Amendments set the course for many current and soon-to-be-introduced environmental improvements.

Mobil opposed some of that legislation, because we thought it might be too costly for the consumer. In retrospect, we were wrong. Air quality is improving, at a cost acceptable to the motoring public.

New-car tailpipe hydrocarbon emissions that contribute to smog, for example, have been reduced about 95 percent between 1965 and today. That happened because the federal government established the standards, U.S. industry developed efficient means to meet the standards, and the American people were willing to bear higher cost.

Automobiles, of course, are not the only sources of pollution, but the U.S. is at a crossroads right now when it comes to cars and air quality.

The 1990 Amendments called for changes in fuels as well as vehicle technology, and those changes are being phased in now. In addition, this year, the environmental agency of each state must submit an implementation plan to the federal Environmental Protection Agency specifying how overall goals will be met. Some states are considering "trip reduction" measures, which would mandate carpooling. Others would require that automakers sell a certain number of costly electric cars. Some states would mandate specific fuels rather than letting emissions standards do the job.

In short, it's beginning to look like the inmates are out of their cells and in charge of the asylum. What Congress started in 1990 with the Clean Air Act Amendments is now running under its own steam and in a variety of different directions. And unelected state environmental officials are making policy decisions that could have a sweeping effect on unwary motorists. Those decisions are subject only to approval by other unelected environmental officials at the federal level.

It seems to be time for the public to become more aware of the process and to get more involved in searching for the answers needed from today's perspective: Which are the best, most cost-effective approaches to cleaner air?

In the hopes of stimulating a dialogue, in future messages we'll be taking a look at the effectiveness of the various alternatives. Let's face it. We all want cleaner air. That's not what the debate is about. There are just different ways to get there. We'll try to separate rhetoric from the real stuff and, we hope, provide enough information for Americans to make up their own minds as to which routes to take. Then they can make their views known to government officials.

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Lead Us Not into Temptation

A Christian Case Against School Prayer

Joe Loconte

If God truly answers prayers, then politicians, lawmakers, and religious activists may soon have Him working overtime: Speaker-elect of the U.S. House of Representatives Newt Gingrich promises a constitutional amendment allowing voluntary, student-led prayer in public school; President Clinton says "there is room" for such prayer in public education; over the last 18 months, school prayer initiatives have passed or appeared in at least 10 state legislatures.

Not everyone, of course, is ready to invoke a hearty Amen. Strict church-state separationists cite constitutional objections, while religious minorities and secularists worry about coercive prayers in class. But more surprisingly, a growing number of conservative, evangelical Christians are raising deep concerns about the difficulties that even student-led prayer creates in matters of faith, conscience and civility. And the doubts and criticisms are coming from some of the most influential quarters of this faith community—including academics, seminary leaders, and legal scholars and activists. "It's a diversion," says Steven McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom. "It's a diversion of our legal energies, it's a diversion of our spiritual focus, and it anesthetizes the churches."

New Wave of Support

Ever since the Supreme Court declared prayer in the public schools unconstitutional, religious conservatives have been longing—and lobbying—for its return. In the 1970s, school prayer was one of the issues that helped propel conservative Christians into national politics. One evangelical Protestant leader called the Court's ban on prayer "the darkest hour in the history of the nation." By 1980, invigorated evangelicals helped elect Ronald Reagan on a platform endorsing a constitutional amendment to restore voluntary school prayer. Such bills were proposed, but never cleared Congress, and by the mid-1980s, states were limited to passing moment-of-silence laws.

Then came the 1992 U.S. Fifth Circuit Court of Appeals decision allowing "non-sectarian" student-led prayers at graduation ceremonies. The Supreme Court declined to review the ruling, and several lower federal courts have issued conflicting decisions in similar cases.

Since then, attempts to reintroduce either school prayers or a "moment of quiet reflection" have hit a new crescendo. At least six states—Maryland, Virginia, Georgia, Mississippi, Tennessee, and Alabama—now allow prayer or quiet reflection in class. Pennsylvania, South Carolina, Florida, and Oklahoma have considered similar laws. Gingrich has anointed Representative Ernest J. Istook Jr., (R-OK) to oversee hearings on school prayer in all 50 states, anticipating a floor vote by the fourth of July.

Student prayer has always been popular with the majority of Americans: At least 75 percent consistently favor returning prayer to the schools. What is new about the latest surge in interest is the growing support from liberal politicians and black urban leaders and clergy. Prayer legislation recently was supported by the majority of Democratic council members in the District of Columbia, including Mayor-elect Marion Barry. Democrats like Florida state Representative Beryl Burke and Georgia state Senator David Scott have pushed similar measures.

The Case for Prayer

One of the primary arguments for school prayer is historical: American society always has been religious, and public prayer seems an appropriate reflection of the nation's emphasis on faith and religious freedom.

The modern exclusion of prayer from public schools, say proponents, reveals a deep-seated and historically inappropriate hostility to religious belief. "Right now there's almost a total absence of religion in the schools," says Robert Dugan, director of the public affairs office for the National Association of Evangelicals. Court rulings that remove the Ten Commandments from school walls, textbooks that delete the religious motivations of the American Founders, prohibitions against graduation prayers—all are seen as attempts to purge the public schools of America's religious roots. "We need an honest look again at the role of faith in our history," Dugan says.

A second argument by prayer advocates is theological: Schools and other public institutions have a responsibility to acknowledge the Deity, because the denial of God in civic life carries profound social consequences. Evangelicals draw from the New Testament letter of Romans,

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The Bettmann Archive

Demonstrators in front of the Supreme Court. Prayer advocates argue that American society has always been deeply religious, and public prayer is an appropriate reflection of our nation's emphasis on faith and religious freedom.

which describes the moral decay that accompanies rejection of God and his moral law. School prayer "reminds you that the state is not the final power, but that there is a God above the state, and that is a very useful thing for young people to be reminded of," says Harold O.J. Brown, director of the Rockford Institute's Center on Religion and Society.

A third rationale for school prayer amounts to plea for civil order: It could help slow the social chaos and spiritual decay that are infecting youth culture. "With all the student unrest and violence in school, we need a little calming influence," said Bill Kron, father of two students from Wingfield High School in Jackson, Mississippi, where prayers were recently read over the intercom. "If we can stop and pray a little, the situation might be better."

Ever-Present Dissent

The historical argument for school prayer is at once compelling and problematic. The religious accent that typified much of public education up until the 1960s grew out of a larger cultural consensus—a generalized, moralistic Protestantism. Expressed in everything from public nativity scenes to presidential benedictions, this Christian ethos formed the basis for the nation's public or civil religion. "A moderate form of civil religion emerged in America as a form of social compromise between two instinctively perceived extremes," writes cultural historian Os Guinness. "On the one hand, the dangers of a state church, and on the other the dangers of a public life without any ideals at all."

In the 19th century, Protestant evangelicals eagerly backed the establishment of state-run public schools—with teacher-led prayers and Bible readings—largely as a way to nurture Protestant values in public life. Religious historians like Sydney Mead even claim that public schools in America took over some of the basic responsibilities traditionally assumed by an established church.

Though non-denominational in content, many of the religious practices in public education were considered either inadequate or offensive to Catholic and Jewish audiences. Protestant hymns and use of the King James Bible were especially irksome to Catholics, who soon voted with their feet: By the 1880s, the Catholic parochial school was the single most important educational institution in the Catholic community. By 1900, there were more than 3,800 such schools. Though Jews mostly sent their children to public schools, they were deeply troubled by the Protestant overtones in classrooms—including prayers in the name of Christ and readings from the New Testament.

"I remember from my childhood the Jews and others whose consciences were bruised by the way we Christians presupposed a civil religion, with a pretty strong Christian tone to it," says Richard Mouw, president of Fuller Theological Seminary in Pasadena, California. Thus, even in a society permeated by a vague brand of Protestant values, public school prayers always had created problems for, and protests by, religious minorities.

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Conscience and Coercion

The theological basis for school prayer, that disbelief in God carries with it social consequences, finds widespread agreement. "Christianity is quite crucial to the morality on which constitutional and democratic government depends," says Glenn Tinder, retired University of Massachusetts professor of political science. Conservative Catholics such as former Education Secretary William Bennett, along with political liberals such as Yale law professor Stephen Carter, echo evangelicals who link social stability with belief in God.

However, many of these same evangelicals doubt the ability, and the propriety, of school prayers enlisted in this way. Their concern is not with religious activities ruled constitutional, such as students meeting on school grounds for private prayer and Bible study, or student benedictions at graduation ceremonies. Their focus is on formal, ongoing, public prayers—even when voluntary and led by students.

Most of the state laws don't go as far as the intercom prayer in Mississippi; they tend to confine organized praying to "school events" and to hours outside the regular school day. Some, however, could allow for daily, school-wide prayers modeled on Wingfield's: "Almighty God, we ask that you bless our parents, teacher and country throughout the day. In your name, we pray. Amen." That prayer, even more tame than the New York Board of Regents prayer rejected by the Court in 1962, was thrown out by the school's superintendent. It is too early to tell if the constitutional amendment sought by congressional conservatives would permit similar, student-initiated prayers.

"When you pray, go into your room, close the door and pray to your Father, who is unseen."
– Matthew 6:6

Many religious conservatives, however, agree with the High Court's ruling banning state-sponsored school prayer, and argue that student-led prayers can have a coercive effect in the unique environment of public education.

Critics fear that if regular, organized public prayers are allowed in school, the trappings of an enforced public religion could return to the classroom: A student recites a prayer, approved by a school official; the prayer is delivered before the class, or over the public address system to the entire school; a school official designates who reads the prayer; attendance is required; the students, all minors, are asked to participate or remain respectfully silent."Religious expression and dominance in culture must be from the bottom up, not the top down," says Richard Land, executive director the Christian Life Commission, the religious liberty agency of the Southern Baptist Convention. "And even then there must be extreme sensitivity on the part of the dominant majority that they don't trample the rights of religious minorities."

Some prayer opponents point to the acutely peer-conscious climate of the classroom. With organized prayer, students would be asked either to acknowledge or ignore what is essentially an act of worship among the faithful. It's one thing for members of Congress to begin a legislative session with prayer or for the Supreme Court to open with "God save the United States and this honorable court." But it's quite another thing for a minor, who has no choice but to be in school, who is there without her parents, who perhaps already is having trouble fitting in.

Michael McConnell, a University of Chicago law professor and an evangelical who has argued religious liberty cases before the Supreme Court, sees mostly trouble with classroom prayer. "School prayer is a very bad idea from an evangelical point of view," he says. "We should fight the notion that secularism is neutral, but that doesn't mean Christians have a right to dominate the message that's communicated in the public schools."

The Majoritarian Impulse

Many prayer advocates simply disagree. Defenders of school-wide public prayers, such as Mississippi activist Bobby Clanton, argue that the majority of their communities are conservative Christians, and they should have the right to decide whether and how to pray in the public schools. "We're tired of yielding to a tiny minority," Clanton told the *New York Times*. "What about our rights?"

This is known as the majoritarian argument: We've got the numbers and we can control the levers of power. In the case of Wingfield High, 490 students voted to have the prayer read over the intercom; 96 voted against it. In the South, where a Protestant ethos still dominates many communities, the majoritarian argument seems plausible. "People assume that Protestant consensus," says Nathan Hatch, vice president for graduate studies and research at the University of Notre Dame. "They assume a prayer that wouldn't offend *them*."

There is much to be said for communities helping to shape the curricula and moral climate of their public schools; however, when it comes to matters of faith, the majoritarian impulse ignores the lessons of church history. Martin Luther's proclamation before the Roman Church—"to go against conscience is neither right nor safe"—laid the groundwork for the Protestant insistence on religious liberty and freedom of conscience. Many of America's Protestant churches, of course, began as persecuted rebels challenging the culturally dominant Catholics or Anglicans. "The same parents who press for prayer in the South would be outraged by Buddhist meditation in Hawaii or readings from the Book of Mormon in Utah," says Os Guinness. "For them to argue like European Anglicans [with their established church] is an exercise in historical amnesia."

A majority-prayer rationale also fails to face the profound cultural and religious diversity that characterizes national life. There are at least 1,200 organized, distinct religious groups in America, many of them outside the Judeo-Christian tradition; self-proclaimed secularists make up perhaps 10 percent of the population, with

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UPI/Bettmann

Many religious conservatives argue that even student-led school prayer can have a coercive effect in the unique environment of public education.

growing numbers of Muslims, Hindus, and New Age adherents. Public schools are increasingly becoming flashpoints for such diversity.

"Many evangelicals don't realize that we are deeply pluralistic and that you can't turn the clock back," says Hatch, a leading evangelical historian of American Christianity. "In South Bend, a block from where we go to church, they've just built a mosque. That would have been unheard of even 10 years ago." Princeton Sociologist Robert Wuthnow, in his book *Christianity in the 21st Century*, summarizes the religious scene this way: "If there is one feature of contemporary culture that we can be sure will become even more pronounced in the future, that feature is its diversity."

Finally, the majoritarian argument strikes at the very nature of religious commitment. After four decades of teaching and study on the relationship of Christianity to society, Tinder concludes: "What Christianity seeks above all else is faith, and faith has to be free." This is so because faith is the most intimate of matters, concerned not with personal preference but with the moral dictates of conscience. And the consciences of society's most vulnerable members—its children—require special protection, particularly in a setting as volatile and influential as public education.

William Penn, religious dissenter and political statesman, was one of the first Protestants in America to grasp the importance of safeguarding personal religious conviction. During his imprisonment in London's Newgate Prison for defying the Anglican Church, circa 1671, he wrote: "Imposition, restraint, and persecution for matters relating to conscience directly invade the divine prerogative," he said, "and divest the Almighty of a due, proper to none besides Himself."

Evangelicals wary of school prayer argue that majoritarian politics, when applied to matters of faith, are inherently manipulative. To coerce conscience—the home of religious experience—is to invade a realm reserved solely for an individual and his God. Perhaps this is one reason why Jesus, when instructing his followers about heartfelt prayer, told them: "When you pray, go into your room, close the door and pray to your Father, who is unseen." (Matthew 6:6)

Hollow Faith

There seem to be two ways that school prayer supporters can hope to avoid offending the consciences of various faith communities: construct a prayer devoid of controversial theology, or allow each and every faith group to offer its own prayer. Both, critics say, contain numbing contradictions.

The one-size-fits-all approach to prayer invites at least two errors. The first involves the hollowing out of faith. One of the most distinctive features of conservative Jews and Christians is their belief in a God who is both personal and purposeful, one who is both merciful and just—a God who can be described, known, and worshipped. A gray, soul-less, generally accepted prayer could not possibly admit most of the divine attributes considered basic to Jewish and Christian believers.

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"I don't know how a generic, civil, utilitarian prayer is able to not offend anybody who's serious about his own faith. If you get something that would not offend, then it has to be offensive," says Mark Noll, evangelical professor of history at Wheaton College in Wheaton, Illinois. Os Guinness, in *The American Hour: A Time of Reckoning and the Once and Future Role of Faith*, argues that deepening pluralism makes nonsense of the notion of a universally inclusive faith. "For Christians who take their faith seriously, such a lowest-common-denominator deity is too vague to be useful, too broad to be anything but misleading." Prayers to such a deity, concludes Tinder, are "almost bound to be unitarian, not trinitarian."

Evangelical Christians—who historically have paid excruciating attention to the content of their faith—ought to be among the most wary of promoting generic prayers in public education. Theology matters, because hardly anything influences the depth of a Christian's commitment more than how he or she thinks about God. Michael Cromartie, director of the Evangelical Studies Project at the Ethics and Public Policy Center, describes the effect of such prayers in blunt terms: "Too much pabulum confuses the brain."

The Government Hand

The second error introduced by universalistic prayers is the eventual injection of the state in matters of faith. Richard Land of the Christian Life Commission and others argue that it's difficult to escape the ultimate logic of prayers regularly uttered in class or over a public address system: They carry an implicit state endorsement; it's as though the government were teaching students how to pray. Who, for example, will decide whether a prayer is publicly acceptable? It will not be the students;

"I THINK OUR SOCIETY WILL NOT SURVIVE UNLESS THERE IS A BROAD-BASED RELIGIOUS COMMITMENT, BUT IT IS NOT THE RESPONSIBILITY OF GOVERNMENT TO PROMOTE IT."— RICHARD LAND

it will be the state. Teachers or administrators will have to approve the prayers, perhaps even help write them, as did a team of lawyers for the prayer approved by the N.Y. State Board of Regents. "We better get out of the business of believing that government has some appropriate role in promoting 'God words' before that precedent is turned upon our consciences," says the Christian Legal Society's Steve McFarland. "When you ask the government to engage in symbolic speech in the form of prayer, it necessarily compromises the religious integrity of the message."

Even a school-prayer advocate like Harold Brown, who teaches theology and ethics at Trinity Evangelical Divinity School in Deerfield, Illinois, agrees that classroom prayers will inevitably entangle the state in religion. Brown expects a reasonable church-state compromise to result: "We'll have to lock heads on this and reach a *modus vivendi*."

However, if "student-led" prayers become a routine part of public education, they could revive a mutated version of civil religion in the schools. Many evangelicals view civil religion as a threat to religious freedom, because in its worst forms it allows the government to establish its own brand of "orthodox" religion, by which it judges other expressions of faith. If school prayer proposals move in that direction, large numbers of religious conservatives will revolt.

"I think our society will not survive unless there is a broad-based religious commitment, but it is not the responsibility of the government to promote it," says Richard Land, whose 14 million-member Southern Baptist Convention represents the largest Protestant church in America. "Anything that allows the state to sponsor prayer, we're going to oppose. This is not an issue that is compromisable for Baptists," he says. Robert Booth Fowler, political science professor at the University of Wisconsin and author of several books on religion and politics, is equally pessimistic. "There's no way that the other religious groups outside the Christian community are going to stand for this," he says. "And you can count on no active support from the Catholic Church."

Here Comes Mother Earth

The other strategy for allowing school prayer without offending religious minorities is to permit children from any and every faith group to recite their own sectarian prayers. Supporters say this ecumenical approach would promote understanding and tolerance of differing religious views. Critics say it is a prescription for theological vertigo.

Think of it: one day a prayer is offered to Mary, the mother of Jesus; another day to Gaia, mother of the earth. That's not as far-fetched as some argue—"not with the plurality of kids I'm dealing with," says Bill Muir, senior vice president of Youth for Christ, a Christian student outreach group in 225 cities. It is estimated that scores of new religious or quasi-religious sects appear, if only briefly, on the nation's social landscape each year. And Muir says he expects to see more and more signs of their influence in schools.

New-Age and feminist theologies, for example, already have crept into the churches themselves. At a recent religious conference in Minneapolis, participants from some of the country's largest Protestant churches prayed: "Our maker, Sophia, we are women in your image." A few years ago, the dean of the Cathedral of Saint John the Divine in New York City commissioned the composition of a choral mass entitled "Missa Gaia." Evangelicals fear that it's just a matter of time before similar prayers find their way into the classroom. Says McFarland: "In Southern California it could be a prayer to Shirley MacLaine for all I know."

It's one thing to teach a course on world religions in the public schools; the context is academic, factual and impersonal. It is quite another to ask children to join in the prayers of religious believers of other faiths; the

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setting is emotive, subjective and intensely personal. "It sends the message to children that one prayer is as good as another," says the University of Chicago's McConnell. That's simply another way of reinforcing—on a grand public scale—cultural and religious relativism. It similarly could undermine the religious instruction children receive at home or in church.

Religious Hostility

None of the arguments against school prayer address the broad indifference and even hostility to religious belief in public education. "The main problem in the public schools and public universities is that what has been a central part of the human story—religion—is the one part that is missing," Fowler says. The conservative American Center for Law and Justice has collected at least 200 cases of anti-religious bias in public schools over the last year:

- A second-grade girl in a Minneapolis school chats with a friend about God on the playground, but is interrupted by her teacher and told she cannot continue;
- A seventh-grade teacher in West York, Pa. instructs students to deliver an oral essay about one of their heroes, living or dead. A girl is told that her hero, Jesus Christ, is not a suitable subject;
- Students at the University of Virginia are denied funds for a newspaper because of its religious content, while other student newspapers receive full funding.

The anxiety over religion displayed by school boards, administrators and teachers unquestionably has been fueled by numerous—and contradictory—court decisions on church-state cases since the 1960s. Many of the rulings, evangelicals argue, ignore the constitutional protection of religious expression and attempt to use earlier decisions to sanitize the public schools of any trace of faith. "Why are people nervous talking about their most basic beliefs?" asks Wheaton's Mark Noll, author or editor of numerous books on American Christianity. "The jurisprudence has moved properly in the direction of prohibiting coercion, but improperly in restricting conversation." Ironically, Justice Arthur Goldberg—who voted in the 1963 *Abington School District* v. *Schempp* decision to ban school Bible readings—warned that the decision must not lead to a "brooding and pervasive devotion to the secular," which he called unconstitutional. There is growing agreement among religious liberals and conservatives that this is precisely the situation that now exists in public education.

Civic Order

Religious conservatives are likewise supported by behavioral trends when they claim, in making a civil argument for classroom prayer, that secular education is doing little to arrest the pathologies afflicting young people. Since 1960, teen suicides rates have tripled, pregnancy rates among unmarried teens have nearly doubled, and juveniles are the fastest-growing segment of the criminal population. On any given day, one in five kids carry a weapon to school. Too many classrooms are indeed hothouses of delinquency and despair. All true.

However, many religious conservatives say their evangelical brethren are mistaken when they insist that the recovery of school prayer will help slow or reverse these trends. "If we are thinking that the tide of modernity can be rolled back by a prayer over the intercom, then we've taken leave of our senses," says David Wells, evangelical theologian at Gordon Conwell Theological Seminary in South Hamilton, Massachusetts. "If you're using it as a means to address social ills, it's not a solution," says Corwin Smidt, political science professor at Calvin College in Grand Rapids, Michigan. School prayer was not the glue that held together a moral or religious consensus in society; neither will its return lead to spiritual or cultural renewal. Fowler recalls his own experience in reciting classroom prayers: "I don't think it played much of a concrete, practical role in anybody's life."

Archive Photos

Student textbooks often omit references to significant religious figures, such as Samuel Hopkins, who chastised the Continental Congress in 1776 for not granting constitutional freedoms to blacks.

More importantly, religious conservatives ought to be the first to raise objections when spiritual disciplines like prayer are reduced to public exercises to help ward off social ills. As these observers warn, evangelicals must not allow their faith to be used as a social policeman; the result will be the corruption and counterfeiting of their religious convictions. "I've never seen kids involved in a ritual prayer, a legislated prayer where it became a deeply moving or growing experience," says Muir, who has been working in junior high and high schools for 25 years. Ironically, one of the historic traits of evangelicals is their insistence that prayer without heartfelt faith in faith's Author never rises above the ceiling.

The cultural, theological, and civil arguments for school prayer thus all encounter perilous difficulties—both practical and moral. On the one hand, America's growing cultural pluralism makes school prayer an anachronistic proposition; it assumes a religious consensus that almost all evangelicals admit no longer exists. In such an environment, children of minority faiths or of no faith will endure the subtle intimidation of a majority-written benediction.

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On the other hand, religious conservatives may find their children's religious education undercut by the symbolic power of prayer that is either diluted or unorthodox. Even supporters admit that rote prayers run the risk of trivializing faith and religious commitment—a criticism long made by evangelicals against Catholics, Anglicans, and other strongly liturgical traditions. As Guinness puts it: "You're faced with a very simple dichotomy: we either secularize or we scandalize."

IF RELIGIOUS CONSERVATIVES WANT YOUNG PEOPLE TO APPRECIATE THE PROFOUND ROLE OF FAITH IN THE LIVES OF AMERICANS, THEY MUST HELP ENSURE THAT THEIR STORIES ARE FAIRLY TAUGHT THROUGHOUT THE CURRICULA.

The combination of America's supreme commitment to freedom of conscience and its increasingly diverse culture makes school prayer a hazardous object of political strategists. "Once you admit this pluralism, solutions become very complicated, and complicated solutions don't wash politically," Hatch says. "What washes in populist politics are simple, clear answers and this issue defies that." Wells, author of *No Place for Truth: Whatever Happened to Evangelical Theology*, says the evangelical attachment to school prayer is the result of "intellectual laziness" in applying biblical principles to public policy issues. "We have betrayed ourselves by looking for the silver bullet, the one thing that's going to fix the whole sorry scheme—and there just isn't one."

What the difficulties suggest is that school prayer is no longer an acceptable or effective dimension of public education—if it ever really was. This is not to say that isolated or spontaneous instances of prayer, such as at graduation ceremonies or following the news of an illness or accident, are inappropriate. But prayer, in any organized, public, and ongoing form is simply unworkable in what is becoming a post-Christian nation. Moreover, as McFarland and other evangelicals conclude, prayer proposals distract religious conservatives from more effective avenues of influence.

Religious believers, they say, ought to be using the legal tools already open to them to soften intolerance of public expressions of faith. One approach is to reintroduce the religious dimension of American life in school curricula. Several important studies have documented how school textbooks deliberately exclude religious references to some of the nation's most significant figures and political and social movements. The 1985 analysis by Paul Vitz for the National Institute of Education was echoed by studies from the liberal People for the American Way and Americans United for the Separation of Church and State.

Public school children never hear, for example, about evangelical ministers like Samuel Hopkins, who chastised all members of the Continental Congress in 1776 for "oppressing and tyrannizing over many thousands of poor blacks, who have as good a claim to liberty as themselves." They're told that Benjamin Franklin was a deist who scorned traditional religion, but they don't learn that this same Franklin proposed that the seal of the American republic be a picture of Moses with his rod held over the Red Sea. They don't learn that evangelical William Booth founded one of the most comprehensive and effective outreach programs to the nation's urban dwellers: the Salvation Army. "We need to teach good, accurate history," Tinder says, "and good, accurate history would bring out the fact that religion has been exceedingly important in America from the beginning."

No Supreme Court decisions in church-state cases prohibit the teaching of religion in the schools. In *Abington* v. *Schempp*, the Court insisted that "nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." The court's guidelines specifically allow public schools to sponsor the study of religion, but not the practice of religion. Even a spokesman for People for the American Way, a group deeply suspicious of public expressions of religion, admits: "You can't have an accurate portrayal of history and leave out religion."

If religious conservatives want young people to appreciate the profound role of faith in the lives of so many Americans, they need to help ensure that their stories are fairly taught throughout the curricula. For these neglected stories, these parables of faith-in-action, produce the stuff that world views are made of.

Equal Access

Secondly, religious conservatives must make full and effective use of the 1984 Equal Access Act (EAA), which requires that schools grant religious student groups the same privileges as nonreligious groups. True, there are more than 12,000 Bible clubs now meeting in the public schools, but thousands of school districts remain without them. Meanwhile, religious freedom attorneys are certain that countless students are unaware of their legal rights to school facilities and resources—and are quickly intimidated by overzealous teachers, administrators and ACLU lawyers.

PRAYER IN ANY ORGANIZED, PUBLIC, AND ONGOING FORM IS SIMPLY UNWORKABLE IN WHAT IS BECOMING A POST-CHRISTIAN NATION.

Moreover, the act is insufficient in its scope: It only applies to secondary schools and only allows student religious clubs to meet before or after school. In many districts, students cannot distribute religious literature on

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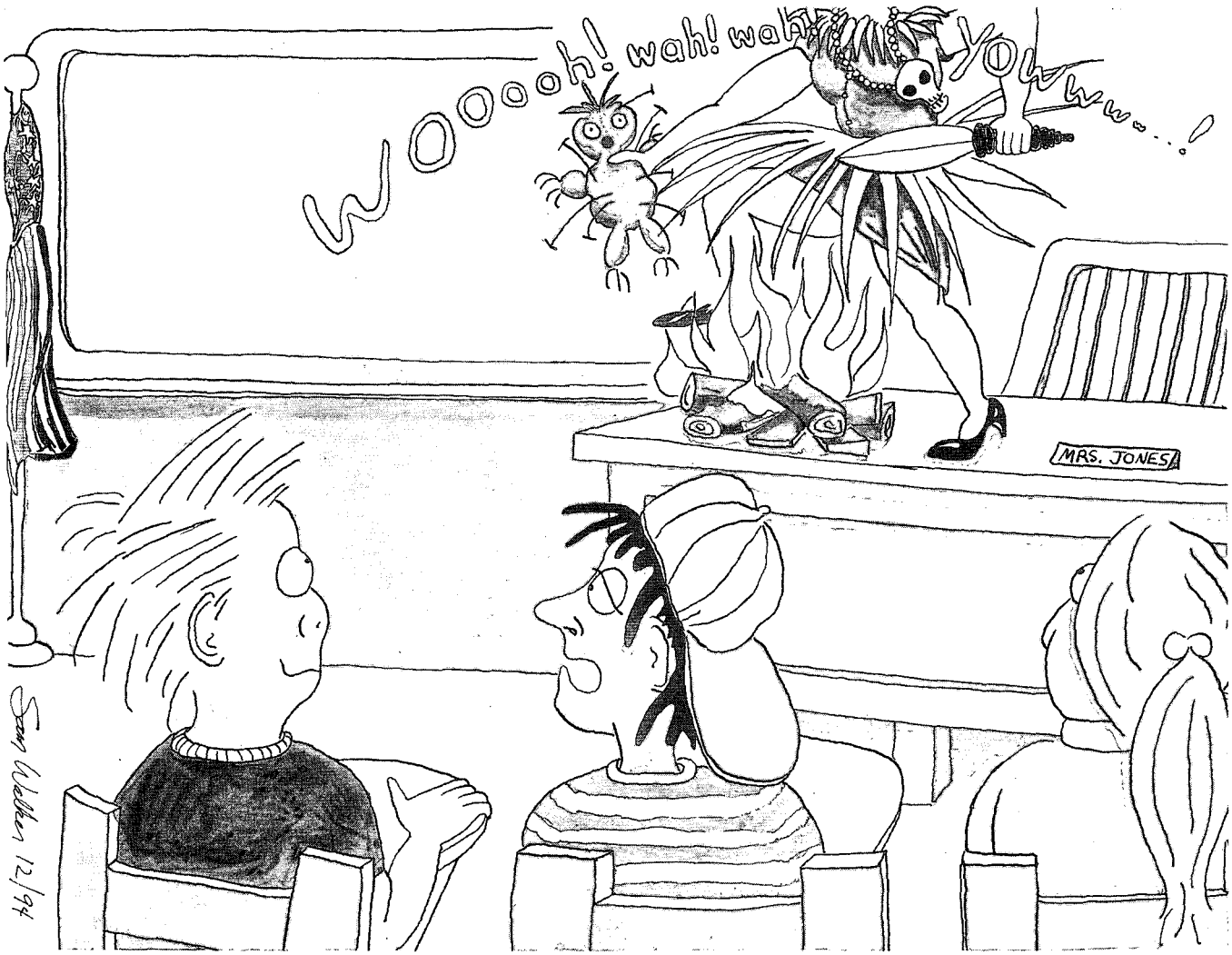

original drawing by Sam Walker for *Policy Review*

"I thought this was supposed to be a moment of silence."

school grounds or discuss their faith over the lunch hour. However, even ACLU lawyers, who were closely involved in crafting the EAA, have occasionally sided with religious students' free speech rights. The access issue could become a crucial area of common ground for religious conservatives and strict separationists.

Until the EAA and curricula reform are applied more vigorously, prayer opponents argue, the larger concerns about public hostility to religion will not subside. "The prayer issue would virtually evaporate if the schools were doing a good job in these other areas," says Charles Haynes, visiting scholar at the First Amendment Center at Vanderbilt University. Haynes has developed school curricula that teaches U.S. religious history and explores ways to publicly accommodate the nation's religious diversity. After introducing the material in culturally diverse school districts in California, New York, Utah, and New Mexico, he says that prayer supporters and opponents reveal at least one thing in common: They want public schools to take conscience seriously—whether it relates to sex education, homosexual themes in literature, or religious expressions in the classroom. "What people really want is something much more important than any prayer amendment that I've seen."

Evangelicals who support school prayer acknowledge the crucial opportunities that both curricula reform and the EAA offer religious believers. Dugan says that effective use of the access law "could have far greater an impact on the country spiritually than student prayers." Tom Minnery, vice president of public policy of Focus on the Family, says "that's where we think the fight still is."

Blunting the Edges

If this is true, then the evangelical devotion to school prayer is indeed misplaced. Vacuous prayers can hardly undo prejudices against faith, nor strengthen the already faithful. Instead, such prayers likely would blunt the edges of some of Christianity's harder truth claims. "It could undercut a radical recognition of our own sinfulness and our need for redemption," Cromartie says. And that sort of recognition can only be stirred at the human level by lives marked by integrity and grace. It can never be imposed from without.

"Christian civility takes human freedom seriously," writes Mouw in *Uncommon Decency: Christian Civility in an Uncivil World.* "I may want people to believe as I do about some basic matters—but what I want is for them to choose to see things that way." ☎

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Advice to the Lovelorn

How Presidential Candidates Can Woo Conservatives

David Frum, Paul Greenberg, Randall Hekman Jr., Grover G. Norquist, Kate Walsh O'Beirne, Mitchell Pearlstein, Willie Richardson, Jane S. Shaw, Paul Weyrich

The most important question for conservatives today is not who will be the GOP presidential candidate in 1996. It is whether Republican congressional leaders will honor their Contract With America in such a way as to build a permanent governing majority. As Newt Gingrich said upon being elected Speaker, the Founding Fathers intended Congress to be the most powerful branch of the government in peacetime. Except during a national crisis, who bestrides the Capitol is more important than who sits in the White House.

Yet much of what conservatives hope to achieve and undo in Washington requires control of the White House as well as Congress, and the time has come to consider the 1996 presidential hopefuls. At the moment, to use the words of Heritage Vice President Kate O'Beirne, conservatives are "dating around," still unready to make a commitment to any suitor. What follows are comments from well-known American conservatives about what each of the leading prospective candidates must do to win more conservative support.

David Frum

author, Dead Right

The most urgent task for the next conservative president will be to work with (what we hope will remain) the Republican Congress to reduce federal domestic spending. Few of the presidential aspirants on most odds-makers' lists have much credibility on the issue; to win that credibility, they need to demonstrate their personal conviction that government is too big and costs too much. How? A good place to start would be with an attack on the spending programs that each of them knows best and has been closely associated with.

Lamar Alexander: The federal education budget now consumes more than $30 billion per year. Almost all the money is spent either on things that should not be done at all (bilingual education) or on things that do not belong to federal jurisdiction (aid to handicapped schoolchildren). You were Secretary of Education. Will you promise to abolish the department, end all federal expenditure on primary and secondary schools, and get out of the student banking business?

Dick Cheney: David Stockman complimented your fiscal virtue as a congressman. As a past Secretary of Defense, will you extend that austerity to inessential programs that masquerade as "national security"? Would you, for instance, end the U.S. contribution to regional development banks, shut down the National Endowment for Democracy, bring to an end the Defense Department's experiments in industrial policy, and pledge to postpone all manned space voyages until the budget is balanced?

Bob Dole: Nobody can straight-facedly criticize wasteful spending while supporting farm and dairy price supports. Will you prove yourself to be more than a regional politician and propose phasing all of them out by the end of your first term as president? Will you drop U.S. barriers to free trade in food? Will you recant your support for subsidized fuels?

Phil Gramm: Your record for frugality is unequalled, but in your speeches you concentrate your fire on programs for the poor. A great national party must not be the party of middle-class self-interest. Will you pursue middle-class entitlements like Medicare as avidly as means-tested programs? Will you take the time to denounce students loans, the National Endowment for the Arts, and highway-construction boondoggles?

Jack Kemp: Everything comes back into fashion: even root-canal Republicanism. If you want to defend an alternative vision of Republicanism, would you show spending hawks that you at least share their dislike of overweening government, and not just the taxes that finance it? Will you pledge that there will be no net growth of the federal non-defense budget over the four or eight years of a Kemp administration?

Dan Quayle: You were right about Murphy Brown. Will you now follow your warnings with action? By pledging an end to all federal assistance except emergency medical care for unmarried mothers? And, since that pledge makes it likely that potential welfare mothers will turn to abortion, would you inform us whether ending welfare or

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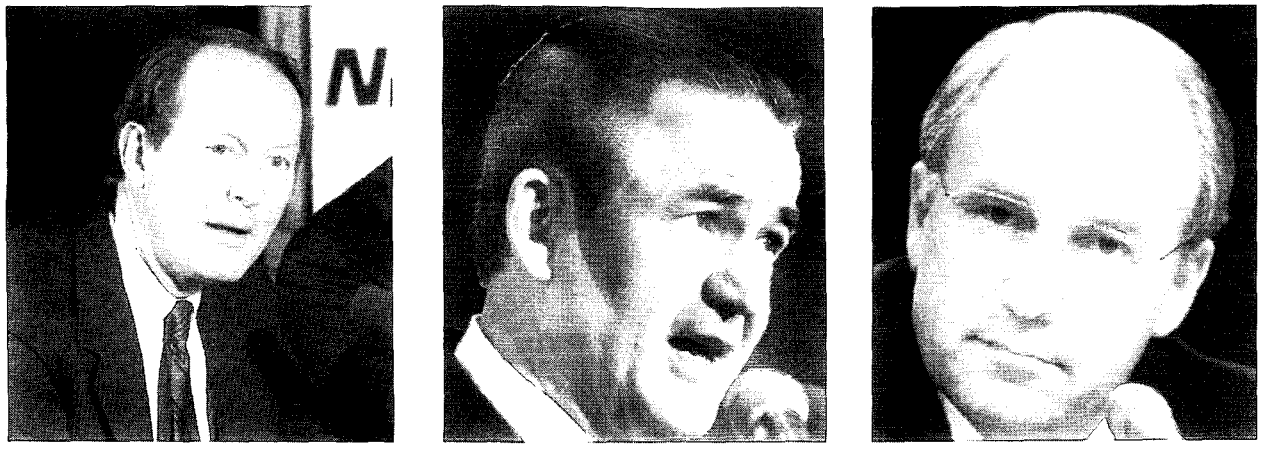

left to right: New Jersey Newsphotos; Bettmann; Folio

Possible GOP presidential hopefuls Lamar Alexander, Pat Buchanan, and Dick Cheney.

ending abortion is a higher priority for you?

Pete Wilson: Unlike the others, you have an entire state to run. In your second term would you do what you so signally failed to do in your first: cut spending and cut taxes? If you can't do it in California, how do you expect us to believe that you could do the job nationally?

PAUL GREENBERG

editorial page editor, Arkansas Democrat-Gazette

My litmus test for presidential candidates will doubtless change as the campaign and the times change, but as of today, it is difficult to imagine my growing enthusiastic about a conservative candidate who could support abortion, exploit the current xenophobia about immigration, oppose term limits, or one who would stand little chance of uniting the American people.

Lamar Alexander: Lamar Alexander needs to come out of his study. His good judgment about the subject of education, as opposed to the usual fads that continue to undermine the American future, is particularly appealing. But has he got the pizzazz for a presidential candidate?

Dick Cheney: Dick Cheney needs to rent some charisma, find a way to address domestic issues in clear and convincing terms, or decide to lead a draft-Colin Powell movement.

Pat Buchanan: I do not propose to give Pat Buchanan any advice; some of us still haven't forgotten his comment to the effect that people with names like Greenberg plan America's wars while those with names like Buchanan fight them—an assertion that struck this honorably discharged Captain Greenberg, USAR, with particularly cheap irony coming from someone with Pat Buchanan's record of military service. With the possible exception of raising teenagers, a tour of active duty may be the most educational experience an American can have; it's not a prerequisite for service as commander-in-chief, but it would help—and not just in making decisions affecting the military.

Bob Dole: Bob Dole, tough and useful and realistic as he is, stands no chance of being elected president of the United States in the Age of Television, and, like Robert A. Taft, should devote himself to service in the Senate. (Senator Dole might make a good vice-presidential candidate. Once folks got used to his hanging around the executive office, he might be able to unite us after all.)

Phil Gramm: Ditto Phil Gramm, except that I couldn't recommend him for vice president, either. In order to head the Republican ticket effectively, he would have to change his voice, mannerisms, personality, delivery, and hectoring tone—and then who would vote for a president so changeable besides conservatism's own Clintonoids?

Jack Kemp: More anchor, less sail. He has a sense of decency about him. He needs to talk less and say more. But his may be the winning approach.

Dan Quayle: Continue unabashed. Don't let the "gliberals" get you down. Study hard. Defy those kneejerk critics and exploit their guilt at having wronged a good guy. You're right: It's the culture, stupid. Keep in touch with Bill Kristol.

Pete Wilson: California's governor already has flunked my xenophobia test by joining the anti-immigration hysterics. Don't scuttle the American Dream, man! His wanting to deny American citizenship to anyone born on American soil offends my deepest sensibilities, both as a son of immigrants and as an American who still hasn't gotten over their giving away our canal bordered by Panama.

To all: Study Ronald Reagan's style, and remember that style is of the essence. And don't forget the great Roman maxim: "Accent the positive, eliminate the negative, and don't mess with Mr. In-Between."

RANDALL HEKMAN JR.

executive director, Michigan Family Forum

Lamar Alexander: I remain concerned about your prior work as Secretary of Education, when it seemed you embraced the idea of running America's schools by bureaucrats in Washington, D.C. Quality education requires a strong partnership between parents and educators at the local level. We need more decentralization in education. You need to convince conservatives that you really agree with this idea.

Pat Buchanan: Conservatives are principled but should not be nasty. Learn from the example of Ronald Reagan who was able to advance his agenda with courage yet be

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charitable even to his political opponents. We want a leader who is kind, not just right.

Dick Cheney: As you communicate, let people see your heart and your vision for what America could be. Unless we can see the grandness of your plans, you will never emerge from the pack.

Bob Dole: Show us that you have some positive dreams for how great America could be. You're good at fighting the Democrats' agendas, but we need more than that. Convince us you believe the best days of America could be in our future.

Phil Gramm: You have recently earned high marks among conservatives by your courage to stand strong on principles dear to us. We encourage you to keep standing on these principles. But, at the same time, help us dream again how conservative perspectives on issues can unleash the greatness of America's people.

Jack Kemp: You're good at building coalitions with urban leaders, but do you have the intestinal fortitude to stand unapologetically for the sanctity of human life? And help us believe that a Kemp administration would be focused and effective rather than getting bogged down in minutiae and a multitude of diverse initiatives.

Dan Quayle: Is your primary goal in running for president to vindicate the bum rap you received from the vicious national media, or do you really have America's best interests foremost in your mind and heart? We need a leader who is called to serve America at this critical time in its history. You will need to convince us that you are that person.

Pete Wilson: To garner our support, you will need to convince us of your support for the protection of human life from conception until natural death. We also want to be convinced that you operate out of a sense of principle rather than political expediency.

GROVER G. NORQUIST

president, Americans for Tax Reform

Lamar Alexander: Lead a governor's revolt against unfunded mandates and towards a restoration of the 10th Amendment.

Pat Buchanan: Continue your invaluable leadership as a columnist and television commentator in favor of freedom and liberty, remembering that tariffs are taxes and that immigrants come to America because they love this country and wish to live here—as opposed to some of the folks you have to debate on the tube. Smile, our team is winning.

Dick Cheney: Tackle Clinton head on for dismantling of the American military. Lead a nationwide movement to stop Clinton's drive to put American soldiers under the U.N. flag. Give a national speech denouncing religious bigotry in political campaigns and publicly repudiate Bobbi Kilberg, whose hate-filled, Christian-bashing campaign for Virginia Lt. Governor you endorsed in 1993.

Bob Dole: Give a speech entitled "Why I agree that Ronald Reagan and Jack Kemp are right about the importance of cutting marginal tax rates." Accept the grateful thanks of the people you spared from Clinton's drive to turn America into a social democracy with government-run health care. Teach your chief of staff why this was important. Take the Taxpayer Protection Pledge opposing income tax increases that Pete DuPont urged you to sign prior to the New Hampshire primary of 1988.

Phil Gramm: Develop a campaign staff that is as committed to principle and willing to work with the conservative movement as you are. Repeat every day: personnel is policy.

Jack Kemp: Give a speech entitled: "Why I agree that Ronald Reagan and Bob Dole are right about cutting government spending." In addition, pick one of the following: give a speech explaining to the American taxpayers how they got value for the billions HUD spent while you were Secretary, or, using your knowledge of HUD and your longstanding championing of free market solutions for inner-city challenges, work with a Republican House and Senate to privatize all government housing and close down HUD prior to the New Hampshire primary in 1996.

Dan Quayle: Building on your efforts as Vice President, lead the fight for tort reform, both at the national and state level. Lead the fight in congress to abolish wasteful boondoggles such as the Job Training Partnership Act.

Pete Wilson: Do something to convince Americans that you share more than just a home state with Ronald Reagan.

KATE WALSH O'BEIRNE

vice president, government relations, The Heritage Foundation

Building on enormous gains in 1994, conservatives look forward to a 1996 national referendum that is nothing less than an up or down vote on Congress's new conservatism versus the Administration's liberalism. They will give their support to the candidate who recognizes the utter collapse of liberalism and who can best articulate a conservative vision of national government.

Lamar Alexander: He has tapped into the country's disgust with Washington's out-of-touch ruling elites and audiences wildly applaud his populist "cut their pay and send them home" proposal. If his experience as governor and secretary of education led him to call for abolishing his former federal department, more conservatives would join the applause.

Pat Buchanan: He is such a stalwart conservative that his opposition to free trade puts him in the totally unfamiliar company of Ralph Nader and the AFL-CIO. Only big government can manage trade and restrict people's choices, and this prevents broader conservative support for one of the movement's real heroes.

Dick Cheney: While praised for his brilliant leadership in the Gulf, many conservatives believe that Dick Cheney was AWOL in the Pentagon's culture wars. On his watch, the gender police patrolled the halls and soon had the services retreating from their longstanding opposition to women in combat. Conservatives would welcome Cheney's leadership in the reassertion of readiness over political correctness.

Bob Dole: The administration's "Dr. No" is viewed by many conservatives as "Dr. Maybe" on taxes. Senator Dole's support for radical tax relief (a flat tax?) could immunize the good doctor from concerns about his commitment to low taxes.

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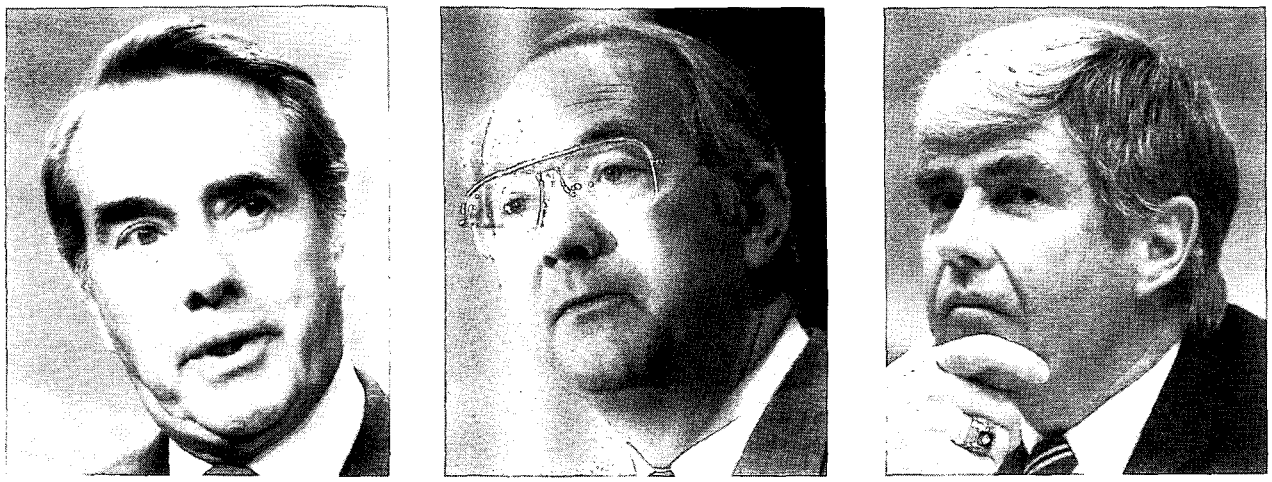

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More suitors: Robert Dole, Phil Gramm, and Jack Kemp.

Phil Gramm: Conservatives applaud the courage and commitment of the man who, as a Democrat, delivered Reagan's tax cuts. The worry is that Phil Gramm lacks a cheery charisma. If the Senator is unable to both win friends *and* influence people, perhaps conservatives will decide to let Gramm be Gramm.

Jack Kemp: If he were to advocate across-the-board spending cuts by promoting a 3-percent cap on federal spending, he might confound critics who say he's a "big government conservative." Abolishing HUD is a good beginning, and eliminating all federal race and gender quotas would underscore Kemp's support for an opportunity society over the Left's bean-counting vision.

Dan Quayle: Conservatives are grateful for Dan Quayle's initiative and tenacity on behalf of the conservative agenda as vice president. They need to be convinced that wounds unfairly inflicted during his last two bruising campaigns have not damaged his ability to carry the conservative message nationwide.

Pete Wilson: He presides over a huge welfare empire and could extend the Proposition 187 principle by opposing public assistance for all able-bodied U.S. citizens in California. Although even abolishing all welfare might not convince conservatives that Wilson is their man.

MITCHELL PEARLSTEIN

president, Center for the American Experiment, Minneapolis, MN.

If he had decided to run, Bill Bennett would have been my candidate in 1996, as no other potential president speaks as well as to the central importance of cultural questions, as well as their tie to economic and policy matters. I note this not just to plug the former education secretary, but to suggest in a sentence my ideal candidate: A Washington-toughened philosopher with sound-bite flair for uncommon candor. If allowed a few more sentences, I would add these:

He (I see no viable female candidates our there) needs to be a lot more serious and adept when it comes to actually cutting back on the reach of the federal government than any president before him. Which is to say, he must have the skill not just to master David Frum's hard challenge in *Dead Right* about reversing (not just slowing) government, but also the skill to win the presidency in the first place.

Moreover, the next conservative nominee for president must be called (as might a preacher) to America's decaying cities, as much as to our lovelier suburbs with all their Republicans. This surely does not mean buying into destructive liberal cant about race and equality in order to demonstrate one's multicultural decency. It does mean recognizing that race remains a fundamental American pivot; that real gaps are growing in this nation; and that conservatives do neither themselves nor their country any favor by seeming removed from it all.

With such limited criteria in mind (which is not to say "litmus tests"—we don't need any of them), what might be said in a few words about anticipated candidates?

Lamar Alexander: If I had to guess, I would say that Lamar Alexander will be the biggest long-shot surprise in 1996. First, because he tells good stories, but more importantly, because he may well say bolder and more imaginative things about fundamentally re-sizing government than anyone else.

Pat Buchanan: From every indication I have, Pat Buchanan is an exceedingly nice chap. But beyond the fact that his isolationist impulses are wrong, he's the kind of guy—intentionally or not—who causes too many moderate and liberal skeptics to grow angrier at conservative ideas rather than more open to them.

Dick Cheney: Cheney absolutely reeks of authority (yes, this is a very high compliment). And when juxtaposed to Bill Clinton, his great sense of skill and steadiness likely will be very appealing, especially in foreign affairs. But he suffers from the same problem as other Washington veterans like Bob Dole: Is he really the guy to ask and answer very basic questions about the way the federal government works?

Bob Dole: I recently heard Bob Dole introduced at a Republican fund-raiser as having the "most brilliant political mind in America." But aren't compliments like these precisely one of the obstacles blocking his march to the White House.

Phil Gramm: One is tempted to say something like, "If only Phil Gramm sounded less Texan on television," then he'd be a superior candidate, as no one speaks more cogently about fixing our economic and public-sector

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mess. But why give in to less-than-tolerant folks who have a problem with southern drawls of the conservative persuasion? Go ahead Phil, be your Lone-Star self, but please, don't imply that all the world revolves around economics.

Jack Kemp: Talk about a preoccupation with the economic side of the equation. Why does Jack Kemp leave the impression that all would be perfect if only taxes got cut, enterprise zones got created, and public housing units got sold in sufficient measure? Sure these things are necessary, and Jack deserves greatest praise for emphasizing questions of poverty and race. But as long as he seems to argue that only Washington suffers from poor values—and never, ever Americans themselves—his message will be only half-compelling.

Dan Quayle: Dan Quayle is sound and reasoned on just about every issue. But he's neither fluent nor effective on television, and when compounded by his ever-continuing media pounding, it's hard to imagine him ever doing well enough with rank-and-file voters (as opposed to party activists).

Pete Wilson: California may be the biggest and most important state, but that's not to say citizens in my neck of the continent have a clue about what's going on out there—though we do hear that its governor, Pete Wilson, is an expert politician. But once more, coming across as a very good politician, as opposed to a very good leader, is not the best credential for winning conservative support, and the big prize itself in 1996.

WILLIE RICHARDSON

publisher, New Minority Politics, *Houston, TX.*

Lamar Alexander: Strengths: Perceived as a good leader, fairly high name I.D., adequate fund raising potential. Needs To: Develop more enthusiasm on the campaign trail; demonstrate that he's hungry for the job.

Pat Buchanan: Strengths: Buchanan has been through the process before and he has an organization in place. He'll be a major player at the Republican Convention. Needs To: Tone down his rhetoric and show more compassion for the less fortunate. Expand his appeal beyond the far right wing of the party.

Bob Dole: Strengths: Knows government, could be a consensus candidate with right vice-presidential candidate, adequate fund raising. Needs To: Loosen up, smile more and be seen in more family settings.

Phil Gramm: Strengths: Lots of money, good organization and contacts, good follow through, takes advantage of opportunities, really wants to be president. Needs To: Develop his softer side. Use personal anecdotes in his speeches, which makes them strike a chord.

Jack Kemp: Strengths: Good vision, has charisma, moderate on social issues, pays lip service to minority outreach. Needs To: Develop more follow through and be more organized in his speeches. Stop being so preachy and "holier than thou."

Colin Powell: Strengths: American hero, high favorability rating, few (if any) political enemies, can bring the country together. Needs To: Define himself (which means his opponents could define him); positions on the issues are not known, political party affiliation is unknown.

Dan Quayle: Strengths: Experienced, strongly supported by Christian Right, attractive on television. Needs To: Demonstrate that he can understand complex issues by using facts, statistics and parables.

Pete Wilson: Governor of largest state with most electoral votes. Needs To: Show that he has appeal outside his home state. Needs to show that he wants to be fair to minorities, especially those whose ancestry is south of the border.

JANE S. SHAW

senior associate, PERC, Bozeman, MT.

The job of the next Republican president is to begin to restore limited government. Unfortunately, few potential Republican candidates seem interested in doing that.

Lamar Alexander: Eight years ago you headed the Commission on Americans Outdoors, which proposed a vast expansion of government ownership and control of land, based on the preposterous idea that such expansion would improve recreation in this country. And this was in Ronald Reagan's administration! You need to understand that government control of land (and other property) causes more harm than good. Fortunately, your recent arguments favoring congressional pay cuts and decentralization of education are a step in the right direction.

Pat Buchanan: You're so worried about keeping out immigrants and protecting jobs that you have largely ignored Big Brother. Yet it seems to me that you used to criticize government intrusion rather eloquently on television (or were you just criticizing Democrats who proposed government intrusion?) You've told us how you would use government to accomplish your pet aims; let us know how you would reduce it.

Dick Cheney: You have won tremendous respect around the country for your part on the Gulf War team. You are as capable as anyone of handling the job at the White House, and your support of budget cuts while you were in Congress gives you a valuable credential. But, besides a strong defense, what do you stand for?

Bob Dole: If you become Senate Majority Leader, you have a chance to show that you aren't merely the ultimate leader, hopelessly mired in Washington politics. You must offer some credible sign to those who want to cut back government. Yes, your late-in-the-day opposition to government-run health care was a start. But what about farm programs?

Phil Gramm: For the growing number of people concerned about the loss of liberty in this country, you are the best candidate. You stood up against Clinton's health care plan, and you won. You recognize the importance of private property; you would like to see the government with less property, and individuals with more. Achieving this is going to be an enormous challenge, but you are clearly interested in trying. Good luck.

Jack Kemp: Your compassion is a great strength, but you still convey the impression that you think more action by the federal government can help our troubled cities, when in fact its actions have made conditions worse. More and more, people's lives are being controlled by government agents—in some cases those handing out welfare

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checks, and in others, those controlling the sale of guns or deciding which lands are wetlands. Show us you recognize the havoc that big government has wreaked, and apply your creativity to figuring how to cut it down in size.

Dan Quayle: During the Bush administration, you were the repository of the hopes of many people who wanted to hold back government. You continued your efforts with a number of responsible studies and projects through the Hudson Institute's Competitiveness Center. But the task of cutting back government is huge. Do you have the will to wield the knife? We need more evidence.

Pete Wilson: You are caught up in a bitter and divisive issue, the effort to control immigration. This is a no-win issue. To appeal to those who want to promote liberty, you must show us that you are working to bring prosperity back to California by cutting back state regulations and by lowering taxes.

PAUL WEYRICH

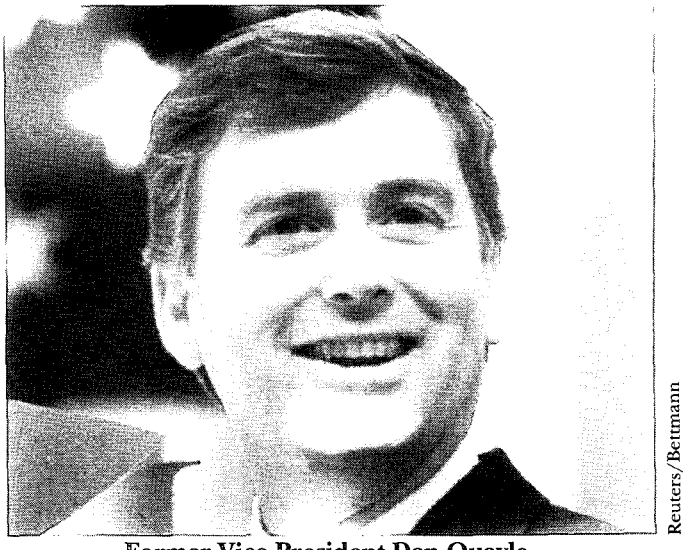
president, Free Congress Foundation

Republicans have repeatedly appealed to conservatives while seeking office, and conservatives have responded to those appeals, often electing Republicans. But time after time, once in office, Republicans have sold conservatives out. Eager for membership in the Establishment, they have forgotten who elected them, until the next campaign when they play the same game all over again. This has happened so often that many conservatives no longer trust Republicans.

What you need to do is something hard enough, something with a big enough price to show conservatives you mean it when you say you're with them.

Lamar Alexander: You were Secretary of Education in the Bush Administration, the biggest Republican sell-out of conservatives since Senator Robert A. Taft was denied the Republican nomination. Now, let us see you take two positions that will make the education establishment howl and thereby show us you're not just another "Bushie." Promise that if you are elected you will deny recognition to any university accrediting association that uses so-called "diversity" criteria or otherwise promotes "multiculturalism," and forbid public-sector union membership in any school district that receives any kind of Federal aid.

Pat Buchanan: There is no question where you stand, and no conservative should doubt you are "real." But we can wonder how far you are willing to go for what you believe in. So please answer these questions. If you do well in the primaries in 1996 but are denied the nomination by "insider" maneuvering, will you run as an independent or third party candidate? Regardless of how you do in the fight for the nomination, will you run in the general election if the Republicans pick someone totally unacceptable to conservatives, such as Bill Weld or Arlen Specter?



Reuters/Bettmann

Former Vice President Dan Quayle.

Dick Cheney: In the 1980's, while in Congress, you were an active participant in the Congressional Military Reform Caucus. Presumably, you supported at least part of its agenda: measures such as creating personnel stability in military units, adopting maneuver warfare as doctrine, and reducing the huge surplus of higher-rank officers. Yet when you became secretary of defense, you did not put this agenda into effect. If you could drop the military reformer's agenda once you got power, why should conservatives not suspect you will drop their agenda the same way if you become president? Please explain.

Bob Dole: Fire Sheila Burke and Howard and Elizabeth Green from your Senate staff and pledge that they will not be hired, directly or indirectly, by a future Dole Administration. Promise to appoint Mona Charen as your Chief of Staff.

Phil Gramm: Issue a formal, public apology for you role in convincing George Bush to accept the 1990 tax increase despite his "no new taxes" pledge. Since you played such as major role in getting Bush to drop his agenda, explain why anyone should believe you will not drop what you now portray as your agenda once you win office.

Jack Kemp: Pledge to abolish affirmative action and other federal programs that discriminate on the basis of race. Also pledge your support for a national right-to-work bill and other measures that would break union monopoly power.

Dan Quayle: Promise to put Pat Buchanan on your ticket as vice president if you are nominated.

Pete Wilson: Promise to oppose amending the 1964 Civil Rights Act to include "sexual orientation" and pledge to reduce AIDS funding, transferring the money to research on cancer, heart disease, and other illnesses that affect average Americans. ☎

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GEO-CONSERVATISM

Why Conservatives Are Better Than Liberals at Foreign Policy

KIM R. HOLMES

The congressional elections of 1994 were a stunning rejection of liberalism in foreign policy as well as domestic policy. The Democratic Party lost control of the Senate and House, not only because Americans thought the country was economically and culturally on the wrong track, but also because congressional liberals and the national Democratic Party were closely identified with President Clinton's foreign policy. Bill Clinton has been a disaster at foreign policy not primarily because of incompetence, indifference, or inexperience, but because he is a liberal—a liberal who sends Jimmy Carter to negotiate with dictators, who responds to North Korean nuclear blackmail by sending billions in tribute money to Pyongyang, who invades Haiti on behalf of an America-hating left-wing demagogue, who abdicates American sovereignty by putting U.S. troops under United Nations command, who jeopardizes American credibility by laying down an ultimatum to China he did not intend to enforce, and who dangerously weakens America's defense capabilities.

RECKLESS CONFRONTATION

All these foreign policy errors of the Clinton administration were made at the behest of the liberal-left wing of the Democratic Party. This is the same crowd that got America into Vietnam and then, when the going got tough, cut and ran and opposed the war. It is the same crowd that opposed standing up to the Soviet Union in Central America and the in Euromissile crisis of the 1980s. It is the same crowd that opposed going to war with Saddam Hussein in 1991. From John F. Kennedy and Lyndon Johnson to Jimmy Carter and Bill Clinton, this crowd has vacillated between appeasement and reckless confrontation that gets America into wars. Voters did not think this crowd could be trusted with foreign policy in the Cold War. Now they don't trust it with the post-Cold War world either.

And for good reason. The perception of Clinton as a weak foreign policy president is encouraging America's enemies to test his resolve and challenge the United States in ways they wouldn't have dared with Ronald Reagan or George Bush. Who can doubt that Fidel Castro released his boat people because he saw how Clinton panicked when refugees began streaming out of Haiti? And who can doubt that the North Koreans dragged out the nuclear weapons talks, ultimately gaining important U.S. concessions, because they saw how Clinton was mishandling Haiti and Bosnia? And who can doubt that Saddam Hussein's decision to mass troops on Kuwait's borders was motivated in part by the suspicion, raised by Jimmy Carter's various peace missions, that the Clinton administration may be weak enough to strike a deal on lifting the oil embargo on Iraq? All of these crises and problems were created by Clinton's weakness, and even when he was forced to act tough to correct his earlier mistakes—as when he rushed U.S. forces to Kuwait—his subsequent toughness could not erase the perception of weakness that had caused the crises in the first place.

PRINCIPLES OF VICTORY

In contrast to Clinton's failed liberalism stand the conservative principles and practices that led America and the West to Cold War victory. These principles include the strategy of peace through strength, a tough-minded realism on behalf of democratic ideals, an unshaking commitment to alliance-building under American leadership, and an abiding respect for American sovereignty and interests. These principles were tried and tested over 40 years by the great conservative presidents of the Cold War—George Bush, Ronald Reagan, Richard Nixon, Dwight Eisenhower, and Harry Truman, who despite his domestic liberalism, was deeply conservative in his hatred of Communism, his tough-minded defense of American interests and values, and his sound understanding of the proper role of military force. Indeed President Clinton and his White House aides, who are reportedly studying how Truman faced a Republican Congress in 1947-48 and went on to re-election, would be well-advised to focus on Truman's foreign policy rather than his domestic policy.

The architects of the West's Cold War strategy were great students of history. Realizing the folly of isolationism, America's Cold War leaders kept America engaged in Europe through NATO. Knowing from historical experience at Munich that appeasement only invites aggres-

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Reuters/Bettmann

President Bill Clinton with Haitian President Jean-Bertrand Aristide. A conservative president would not have invaded Haiti, where the United States has no vital interests or security concerns.

sion, Western leaders developed a tough-minded policy to contain the expansion of the Soviet Union. Knowing that economic chaos breeds totalitarianism, Western leaders also launched the Marshall Plan and rebuilt Western Europe along democratic lines. And learning about the utility of military force in World War II, the Western Alliance built a formidable military force of conventional and nuclear weapons as not only a deterrent, but as an effective fighting force.

Historical Amnesia

Liberals and conservatives in America were partners in building this Cold War edifice until the Vietnam War. In the middle of that war this consensus began to break down as the left-wing of the Democratic Party began to exert more influence. It was at this time that liberals and large parts of the Democratic Party developed historical amnesia. They began flirting with approaches to foreign policy which history had demonstrated time and time again would fail. Thus, forgetting the lessons of Munich, they pushed for easing up on the Soviets. Forgetting the lessons of Munich and World War II, they tried to disarm the West with misguided arms control policies. And they opposed, with almost knee-jerk consistency, U.S. efforts, pressed primarily by conservatives, to stop the spread of communist insurgencies in the Third World.

Above all, liberals starting in the 1960s lost sight of the purposes of military force. George Washingtondescribed these purposes best when he observed, in his first annual address to Congress in 1790,"To be prepared for war is one of the most effectual means of preserving peace." Conservatives believe that the main purpose of having an armed force is to deter aggression, and if deterrence fails, to win the nation's wars. It is not to be a global policeman or to build democracy around the world. Military force should be used to accomplish clear military objectives, and consistent with the conservative belief in limited government, it should not be squandered or wasted on fruitless exercises of misguided altruism, as occurred in Somalia and is now happening in Haiti.

These ideas inspired the strategies of containment, deterrence, and the successful use of force that won the Cold War. To the extent that America's Cold War military strategy ever failed, as it did in Vietnam, it strayed, primarily under the influence of liberals, from the traditional lessons of war. Eisenhower the general prevented Eisenhower the president from becoming directly involved militarily in Vietnam. All the fashionable theories of "limited warfare," "counter-insurgency warfare" and "pacification" strategies that arose during the Kennedy and Johnson administrations were anathema to this conservative who understood far better than his successors the principles of warfare.

If the Vietnam war was a classic liberal war, the Persian

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Gulf war of 1991 was a classic conservative war. George Bush knew what was in America's vital interest—making sure a hostile power would not gain hegemony over the Persian Gulf. He set a clear military objective consistent with this interest. He gave U.S. armed forces the overwhelming moral, political, and materiel support they needed to achieve this objective quickly, with a minimum of American and allied casualties. And then, when he achieved his objective—kicking Iraqui forces out of Kuwait—he stopped.

The principles that led to Cold War and Persian Gulf victory apply just as much today. They are principles that

LIBERALS SHY AWAY FROM USING FORCE DECISIVELY, AND ODDLY, THEY TEND TO WANT TO USE IT TO ACHIEVE BROAD OBJECTIVES, SUCH AS NATION BUILDING OR RESTORING DEMOCRACY.

President Clinton would do well to study if he hopes to regain respect for his administration at home and abroad.

There is no great mystery why conservatives like Ronald Reagan and George Bush were better at foreign policy than are liberals like Bill Clinton. Conservatives trust America more than liberals. They are more careful in defining and protecting American interests. Conservatives have a deeper understanding of when and how to use military force. They believe America should be the world leader, while liberals believe America should follow its allies and the United Nations. Conservatives are skeptical of liberal utopianism. And conservatives have a deeper understanding than liberals of how to spread democracy abroad.

Conservatives trust America more than liberals do. Conservatives believe in a strong national defense. They are convinced that American power must be preserved not only to protect American interests, but to advance democracy and international stability abroad. By contrast, liberals mistrust American power. They weaken America's defenses with deep budget cuts, and they try to constrain American action abroad by entangling U.S. diplomacy in the web of multilateral institutions.

Liberals have a deep and compelling need to win the approval of the United Nations before the United States takes military action. The implication is obvious: the support of the American people and their elected representatives is not enough. For liberals, U.S. military action abroad is illegitimate unless it has the imprimatur of the United Nations.

Some liberals also want to place American armed forces under United Nations command. Guilty about the history of U.S. unilateralism, which they believe has led to abuses of power, particularly in Latin America, liberals want American might to be constrained by the U.N. And they have a special fondness for U.N. peacekeeping operations: by helping other nations "keep the peace," they believe, America is not asserting its own will and interests on other nations. They are more comfortable when decisions over the deployment of U.S. troops are made by United Nations bureaucrats and foreign military officers, and not by the American president.

This guilt is evident as well in the liberal attitude toward arms control. The conservative approach to arms control is to reduce the most dangerous arsenals of America's enemies. The liberal approach is to reduce the level of armaments all over the world, treating U.S. arms no differently than those of America's enemies.

This betrays a hidden agenda: Liberals want to constrain U.S. military power. During the late 1970s and early 1980s liberals supported the SALT II strategic arms control agreement, which would have relegated the United States to an inferior strategic position to the Soviet Union.

Today Bill Clinton and liberals in Congress want to ban U.S. nuclear tests. The president is even considering dismantling America's land-based missiles. He is cutting the budgets of U.S. nuclear weapons laboratories, which designed the weapons that helped win the Cold War. He is still committed to the outdated 1973 Anti-Ballistic Missile Treaty. This treaty prohibits the United States from building an effective defense against ballistic missiles from China, North Korea, Iran, and other countries that are building nuclear capabilities.

Conservatives are more careful than liberals in defining and protecting American interests. As a general rule, conservatives argue that U.S. military force should be used only to defend vital interests. These vital interests include defending American territory; preventing a major threat to Europe, East Asia, or the Persian Gulf from a hostile power; stopping hostile outside interference in the Western Hemisphere; protecting Americancitizens and property overseas; and maintaining access to foreign markets and to essential natural resources such as oil.

There may be times when conservatives could envision using force in a limited way for purely humanitarian reasons, to stop some genocidal act abroad, for example. However, doing this should be clearly seen as an exception to the rule. Generally, U.S. force should not be used unless some clearly identifiable security interest is threatened. Otherwise, the country will become involved in military adventures for which public support cannot, in the long run, be maintained. Giving any military operation the "national interest test" is a good way to measure the depth of public support if the going gets tough. If U.S. leaders are unable to demonstrate clearly and convincingly the importance of any military operation to the national interest, that should be a sign that nothing really important is at stake, and that the intervention will probably not be sustainable if casualties begin to mount or if the operation begins to fail.

According to these guidelines, the 1991 U.S. war against Iraq was justified. America has a vital interest in preventing a hostile power or bloc of powers from dominating the strategic oil reserves of the Persian Gulf. If Saddam had been allowed to get away with invading Kuwait, he could have made a hegemonic bid for power in the region. Since, as it turned out, he was trying to acquire nuclear weapons, an unchecked Iraq could have

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been very dangerous for U.S. security. If he had been permitted to develop nuclear weapons, Saddam would have threatened not only his neighbors, but perhaps in ten years time, even U.S. territory with long-range nuclear missiles. As a result of the war, Saddam's power was cut down to size, and, notwithstanding his occasional bellicosity, a looming danger to the Gulf region and to U.S. strategic interests was avoided.

A conservative would not have invaded Haiti, however. No U.S. vital interest was threatened by the thugs and kleptocrats who overthrew Jean-Bertrand Aristide. No one has ever seriously argued that Haiti was a threat to American security. The outflow of refugees had been dropping in the weeks before the invasion, so neither was there a threat to the shores of Florida. Aristide, though he was legitmately elected, wasn't even a true democrat while he was in power. He repeatedly overruled the democratically elected parliament, and advocated terrorism against his own citizens.

Strategic Doves

Liberals, in contrast, got it exactly wrong. They opposed going to war against Saddam, and favored invading Haiti. They are strategic doves and humanitarian hawks. Liberals believe that U.S. military interventions are justified only when they are limited in purpose and duration, are endorsed by the United Nations, serve some liberal international cause, and do not advance U.S. interests unilaterally, or in some cases, even at all. Thus, liberals are hawks on Haiti, Bosnia, and Rwanda, causes that require only small-scale military interventions, enjoy the cover of U.N. approval, and serve no clear-cut strategic interest of the United States. And yet they are doves when it comes to standing up to North Korea, Iran, Iraq (before the Persian Gulf War) or some other hostile power that threatens U.S. vital interests.

On January 12, 1991, 179 House Democrats and 45 Senate Democrats voted against the use of force in the Persian Gulf to reverse Saddam's aggression against Kuwait."Not a single American life should be sacrificed in a war for the price of oil," thundered Senator Ted Kennedy. Added Senator Joe Biden: "No argument can be sustained that any vital American interest is now in jeopardy [in the Persian Gulf]. Yes, we have interests in the Middle East. We wish to support the free flow of oil. We wish to promote stability, including the security of Israel. But we have heard not one cogent argument that any vital American interest is at stake in a way that impels us to war."

After the great victory of American arms in the Gulf War, liberals jumped on the bandwagon and discovered strategic interests in the Persian Gulf after all. Few if any liberals complained when Clinton rushed tens of thousands of U.S. troops to the Persian Gulf in October 1994 to respond to Saddam's massing of troops on Kuwait's borders. In spite of this flip-flop, the original liberal opposition to the Persian Gulf War is truer to their character than the belated conversion to a more tough-minded policy on Saddam Hussein.

Taking a dovish line such as this is wholly consistent with the liberal assault on U.S. defense budgets. Believing that threats are overblown by conservatives, and that there are few strategic interests worth the risk of war, liberals can easily rationalize lower levels of defense spending. Their arguments have been quite successful since Clinton took office. While candidate-Clinton promised to cut George Bush's five-year defense plan by $60 billion, once he was in office the new president promptly doubled this amount to $120 billion. On top of this, the General Accounting Office says his five-year defense budget is $150 billion short of meeting his own administration's "bottom-up review" of U.S. defense requirements.

Conservatives have a deeper understanding of when and how to use military force. Liberals are enamored of the slow-motion, limited military escalation that led ultimately to defeat in the Vietnam War. They think that military force should be used to"build nations," rather than win wars. They applied this mistaken approach to the expansion of the military operation in Somalia, and they are trying to do it again in Haiti. Such reckless interventionism raises the risk of military failure and of getting America involved in unnecessary wars.

It was liberals who pushed for the invasion of Haiti, who insisted on escalation of U.S. military involvement in U.N. peacekeeping operations in Somalia, and yet they are among the first to call for withdrawal from these very places when things go wrong. For example, in November 1992, Congressman John Lewis, a Democrat from Georgia, was a real hawk on military intervention in Somalia, saying that "The United Nations must restore order." Less than a year later, however, Lewis got cold feet, arguing that the United States should withdraw because it had not defined its"commitment to the U.N. peacekeeping effort with clear and achievable goals."

IF LIBERALS ARE TOO QUICK TO INTERVENE IN COUNTRIES THAT HAVE NO STRATEGIC IMPORTANCE, THEY ARE TOO QUICK TO APPEASE WHERE THE U.S. HAS VITAL INTERESTS.

If liberals are too quick to intervene in countries that are not of strategic importance, they are too quick to appease where the United States has vital interests. For example, it is vitally important to the United States that North Korea not acquire nuclear weapons, and that this last bastion of Stalinism not upset the delicate balance of power in Asia by conquering or intimidating South Korea. And yet, by hemming and hawing in negotiations, Clinton gave the North Koreans valuable time to continue work on their nuclear weapons program, possibly making their acquisition of nuclear capability a *fait accompli.* Pyongyang became far more bellicose and unpredictable because its leaders sensed that Clinton could be pushed around.Tensions on the Korean peninsula rose, the threat of war grew, and U.S. credibility in Asia suffered. Eventually, when a deal was struck with the North Koreans, the United States was forced to make potentially

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damaging concessions that have hurt relations with South Korea, and it is by no means certain that North Korea will, in the end, give up its nuclear capability.

Conservatives believe that military missions should have clear-cut and traditional military objectives: to destroy enemy forces, and if necessary, occupy enemy territory. The ultimate purpose is political, to force an enemy to succumb to the will of the United States. U.S. forces should be large and ready enough to prevail in combat and win the war. They also should be large enough in peacetime to deter an aggressor from challenging U.S. interests in the first place. The potential deterrent power of U.S. forces rests not only on the size of the forces, but on the credibility and will of the president to use them to protect American interests.

This contrasts with liberal notions about the employment of force. Liberals are fascinated by the idea that military force can be used in a limited way to achieve non-military objectives, such as restoring civil order in Haiti. Reaching its apogee during the Vietnam War, the idea of limited warfare lives on today in the liberal fascination with U.N. peacekeeping operations. Liberals shy away from using force decisively, and oddly, they tend to want to apply it to achieve broad-ranging objectives, such as nation-building or restoring democracy. They advocate the use of limited force to achieve unlimited objectives. As was seen in Somalia, this can lead to dismal failure.

Liberals also have a misconceived idea of deterrence. Throughout the Cold War, liberals found it difficult to believe that nuclear weapons would ever be used. In fact, deep down inside most liberals believe that deterrence is little more than a big bluff. Thus, they concentrated on trying to reduce nuclear arsenals through arms control, rather than building up a credible U.S. deterrent force, as conservatives wanted to do. Thinking that nuclear war was "unthinkable," they shied away from planning for it. The result was constant liberal pressure to weaken the nuclear deterrent that not only helped to keep the peace during the Cold War, but helped to pressure the Soviet Union into self-destruction.

Fearing American weapons as much as (or even more than) foreign weapons, liberals were sticklers in enforcing U.S. compliance with arms control agreements, but they were always willing to give the Soviets the benefit of the doubt when they were accused of violations. The Russians now admit that the Krasnoyarsk radar and the anthrax outbreak in Sverdlovsk were arms control violations, but at the time they occurred, liberals were dismissive, attributing them to the over-active imagination of conservative hawks. In the case of the Krasnoyarsk radar, liberals actually took up the Soviet negotiating position as theirown, championing it as a major *cause celebre.*

Conservatives believe that America should be a world leader, while liberals see the United States as a follower of allies and the United Nations. And conservatives know that America will be stronger if it has strong and reliable allies who share our basic values. It was foreign policy conservatives such as Truman and Eisenhower who built NATO and strong alliances with countries such as Japan, Israel, South Korea, and the Republic of China. Ronald Reagan revived a NATO on the verge of collapse after the Carter administration, and he led the Western alliance through the Euromissile crisis of the mid-1980s. George Bush forged a powerful international coalition on his way to Persian Gulf victory.

For conservatives, the military power of allies is a supplement to, not a substitute for, American power. Without American strength, conservatives argue that multilateralism will fail. Conservatives see the United States as the indispensable leader of its alliances. No other power has the capacity or will to lead the Western world.

Liberals do not share this view. They shun American leadership and tend to defer to America's allies. This was certainly the case in the Bosnian war where President Clinton said repeatedly that he was constrained by the wishes of his European allies. Instead of developing the U.S. position and asking the allies to get on board, Clinton last year asked the Europeans to take the lead. When they failed to do so, Clinton kept on raising the stakes in Bosnia by promising U.S. action. Yet he refused to take the lead. The result was confusion, the loss of American credibility, and a relentless Balkan war.

The United Nations, if used properly, can also be a supplement to U.S. power and diplomacy. George Bush, for instance, effectively used the United Nations to mobilize the international coalition against Saddam Hussein. But conservatives would never allow the United Nations to have a veto over U.S. action, or to define American policy, as President Clinton did in Somalia. The Somalia intervention failed, and 34 American troops were needlessly killed, when Clinton, following the lead of the United Nations, changed the mission from humanitarian relief to nation building.

The latest wrinkle in liberal thinking about multilateral institutions is a school of thought called "cooperative security." Advocates of this school assume that international security can be guaranteed only by the cooperation of all nations, including those that may be considered enemies of the United States. This idea was developed in a book published by the Brookings Institution in 1992. One of the authors was William J. Perry, who is now Secretary of Defense. Perry and his colleagues contend that:

> The central purpose of cooperative security arrangements is to prevent war and to do so primarily by preventing the means for successful aggression from being assembled, thus also obviating the need for states so threatened to make their own counterpreparations. Cooperative security thus displaces the centerpiece of security planning from preparing to count threats to preventing such threats from arising—from deterring aggression to making preparation for it more difficult. In the process, the potential destructiveness of military conflict—especially the use of weapons of mass destruction—is also reduced. Cooperative security differs from the traditional idea of collective security [e.g., the Western alliance] as preventive medicine differs from acute care. Cooperative security is designed to ensure that organized aggression cannot start on any large scale. Collective security, however, is an arrangement for deterring aggression through counterthreat and defeating it if it occurs.

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George Bush with troops during the Persian Gulf war. Bush gave American troops the overwhelming moral, political, and materiel support they needed to win the war quickly, and with a minimum of allied casualties.

The authors of this report equate deterrence with "acute care." In other words, they argue that there is really no great need in the post-Cold War era to have sufficient military forces to deter an aggressor. Military preparedness is not all that important now, they argue, because the end of the Cold War has reduced tensions and enabled countries to be more cooperative. Indeed, military preparedness is much less important than international cooperation which, in the mind of Perry and the other authors, by themselves reduces threats to American security. According to Perry, the best way to enhance U.S. security is for the world to get together in the United Nations to reduce arms, organize peacekeeping operations, and generally cooperate on all levels of international security. As this happens, U.S. military forces can be drastically cut as Washington relies more heavily on allies, the United Nations and cooperative diplomatic initiatives for its security.

Perry and others never explain how they plan to prevent "the means of successful aggression from being assembled," which is the essence of "cooperative security." It surely will not be through traditional techniques of deterrence, because Perry these are outdated. That leaves working with allies and the United Nations. But this will not work either. America's allies more often than not have different ideas of cooperation than President Clinton. Europeans are outraged over his handling of the Bosnian War, and the Asian allies have been disappointed with his flip-flops on China and his deal with the North Koreans. As for the United Nations, in the wake of Somalia and Rwanda, not even the Clinton administration has such high hopes for establishing a New World Order brokered by the U.N. In the end, "cooperative security" is an empty buzzword. It is a typical liberal shibboleth, promising more than it can deliver, and trying to achieve unlimited goals with limited means.

Conservatives are skeptical of liberal utopianism. Conservatives are also realistic about the limits of government. This philosophy influences the skepticism many conservatives have toward the human rights and aid programs of the United Nations and the U.S. Agency for International Development, America's main agency for dispensing foreign aid. Conservatives believe that the state can be no more successful at social engineering abroad than it is at home.

By contrast, liberals have high, almost utopian expectations from government. Liberals believe that the state has the power to engineer certain outcomes in society. This attitude about the state spills over into their view of foreign policy. They believe that the U.S. government has the power to engineer certain outcomes in foreign societies as well. The same faith in the state that inspires their commitment to massive welfare programs at home also influences their attitude toward foreign aid. To liberals foreign aid is international welfare—a way to redistribute income from rich nations to poor ones.

To liberals, foreign aid also is an opportunity to promote their pet causes in the international arena. The State Department and AID are expected to correct all kinds of ills in foreign countries. For example, the U.S. foreign aid legislation mandates that American aid be used to promote "harmony among diverse racial, religious and ethnic groups" in foreign countries. It also must ensure that the U.S. executive director of the International Bank for Reconstruction and Development "include the economic empowerment of women as a factor in the evaluation of [its] projects and programs." And they are even supposed to stop the discrimination of foreign governments against people with disabilities.

These tasks are difficult enough for the U.S. government to achieve inside the United States, but they are impossible to accomplish in foreign societies over which the United States has absolutely no authority. Nevertheless, each year liberals ask more from U.S. aid agencies. Every year Congress presses its favorite cause on the U.S. foreign aid bill. One year it is correcting human rights

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abuses in India and Zaire. The next it is doing the same for China and Indonesia. The preconditions pile up as the demand for more money increases. The result is much waste and very little social progress overseas.

Conservatives have a deeper understanding than liberals of how to spread democracy abroad. Versed in history, and having a deep understanding of human nature, conservatives have a sophisticated and workable view of promoting democracy and human rights abroad. Conservatives know that democracy is more than mere free elections; it is a system of government rooted in institutions, ethics and social values that take a very long time to develop. Conservatives do not try to engineer democracy in foreign societies, but rather they try to encourage the institutional framework in which it can grow. Taking the long view, they know that democracy and respect for human rights seldom can be imposed on a country from the outside only at great cost, and only then under rare circumstances.

Liberals have a very superficial and narrow definition of democracy. While they rarely admit it, they act as if free elections alone constitute democracy. For example, they claim that Jean-Bertrand Aristide is the legitimate democratic leader of Haiti, even though his short rule was largely undemocratic and Haiti has virtually no democratic institutions. It borders on farcical to suggest that returning Aristide to power at the point of bayonet is advancing the cause of democracy in Haiti. The most the United States can do is restore civil order and hope that things calm down enough for Aristide's government to regain control. But this is not "restoring democracy."

By the same token, liberals take a narrow and self-defeating approach to promoting human rights. For example, liberals wanted to withhold most-favored-nation trading status from the Chinese because of their human rights abuses. Nevertheless, as a result of a year and a half of lecturing by the Clinton administration, the Chinese government never substantially improved its human rights record. In fact, there is some evidence that human rights abuses worsened as a result of Clinton's policies. If the liberals had their way, the outside contacts brought by MFN would have been cut off; the Chinese would have continued their crackdown on dissidents to prove that they could not be pushed around by the United States; and American businesses would have been unfairly locked out of doing business in China, leaving the playing field to the Japanese, Koreans, Taiwanese and Europeans. Thus, Americans would have shot themselves in the foot for no good reason.

Conservatives differ with liberals on human rights in another way. Conservatives know that American military power plays a huge role in safeguarding democracies around the world. America is a model for emerging democracies, but for U.S. allies, most of whom are democratic, it also is a protector. So unlike liberals, conservatives emphasize the importance of American military power to the cause of democracy around the world.

At the bottom of conservative-liberal differences over human rights is a different concept of morality: Conservatives emphasize the moral consequences of human action; liberals emphasize the purity of intention, often ignoring the consequences or the costs. A liberal wants to "do something" to alleviate human suffering abroad. Conservatives, not content with mere declarations, take a longer view, trying to encourage the growth of institutions and structures in foreign countries that could alleviate suffering. Thus, while liberals browbeat the Chinese over human rights abuses, conservatives supported continued trading relations to encourage an economic liberalization and decentralization of political power which over the long run will foster political and religious liberty. (By contrast, in Cuba, where there has been no such liberalization or decentralization, conservatives favor a continued U.S. embargo.)

To conservatives, good intentions are not enough. Conservatives want to know what the consequences of U.S. military involvement will be, of whether it will work, how much it will cost, and whether American interests are at stake. By contrast, liberals want to make sure their heart is in the "right" place. Consider, for example, this justification for the invasion of Haiti from Congressman John Joseph Moakley, a Democrat from Massachusetts:

"I commit myself once again to do all I can to bring human and civil rights to Haiti, a land that has suffered so long and so much. It is a land that in many ways has much in common with the land my family came from, with its own sad history of economic exploitation and brutal political repression. The lesson for all of us here today, as we remember Dr. King and look to the future with hope, is that suffering is universal and that our mission is to listen to the voices of the unheard and fight for what is just."

For Moakley, invading Haiti is the moral equivalent of a civil rights march. Cloaking himself in the legacy of Martin Luther King, who believed in non-violent action, Moakley calls up powerful symbols to justify what is, in fact, a bloody call for military action in which Americans and Haitians alike may be killed. But since the cause is "just," such considerations as cost or the prospects of success are not even mentioned. In fact, they are not important at all. Moakley never once asks whether a Haiti invasion is good for America, or whether his cause is worth risking the lives of Americans.

Remember Our Roots

Voters in November did not simply reject the Democratic Party as personified by President Clinton. They repudiated an entire worldview. The voters rejected the Clintonites' distrust of America, their carelessness in defining America's interests, their alternately reckless and squeamish approach to using U.S. force, their failure to assert American leadership, their utopianism, their moral posturing. The newly elected Republicans in the Congress have pledged to undo much of the mischief wrought by the Clinton team—to beef up defense spending, to revisit the Haiti invasion, to ensure that American troops are not placed under United Nations command. Over the next two years, congressional Republicans (and some Democrats) will have the opportunity to clarify further the differences between conservatism and liberalism in foreign policy. As they do so, they best remember their roots. It was their ideas that won the Cold War, and it will be their ideas as well that will secure the peace of the post-Cold War era. ☎

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You Must Remember This

What's Right with American Culture

Michael Medved

When The Heritage Foundation asked me to address the subject, "What's Right About American Culture," I was particularly challenged by the idea. My wife, Diane, immediately commented "That will probably be a very short speech." Praising the current state of our national culture does not come naturally to me. I talk much more frequently about "What's Wrong with American Popular Culture."

But recently, I had the great privilege of giving a lecture in Warsaw. And what struck me there—as I think it strikes any Americans who travel in Eastern Europe—is the absolute fascination with all things American, the tremendous eagerness to learn about American culture.

And after all, let's understand that our popular culture, including many aspects of that popular culture that conservatives disdain, is hugely accepted, in fact enthusiastically accepted, around the world.

Exporting America

In every country on earth, the most popular form of movies is American movies. The most popular form of music is American music. And even when it comes to television, American television shows are disproportionately popular. Now, clearly, something is right about American culture, not only because of its popularity abroad but because of its impact on the wider world.

This is a point that Ben Wattenberg makes, with great glee, as a rebuke to those of us who criticize American popular culture. He offers a challenge: If this popular culture is so terrible, then why is it that the liberating force of American music, movies, and television helped to inspire, by all accounts, the collapse of Communism in Eastern Europe?

We all remember the inspiring example of the "Velvet Revolution" in Czechoslovakia. Would that those young people in the streets who helped to bring that about were singing Dvorak or Smetana or Janacek, their great national composers.

But they weren't. They were singing American rock music. They were craving American jeans. They were interested in, God help us, Madonna and the rest of what we would call American trash culture. Somehow this popular entertainment, which seems to have such a negative and devastating impact here at home, has exerted liberating influence abroad.

So, how can that be? What, after all, is right about American culture?

There are three underlying themes that have always been part of the American experience, of our national culture, of that unique outlook that we would describe as American, and those elements are still palpably present in American popular culture:

First, an overriding and transcendent belief in self-improvement, in the ability of the individual to transform himself into virtually anything he wishes;

Second, a great emphasis on tolerance and diversity.

Finally, an underlying rude, rowdy, and very consistent disrespect for all established authority.

All of these tendencies have been present in this country and played a role in our national consciousness since colonial days. And all of them are still there, even in the sometimes frightening and barren worlds of popular music, television, and motion pictures. After sketching out how these cultural themes have helped to shape the country for the last 350 years, we also have to ask why their influence has become somewhat problematic for our society today.

One by One

The idea of self-improvement, the ability to transform oneself into something new, is almost a direct product of our unique geographical circumstances.

To get here, everybody had to cross an ocean at one time or another. That necessary voyage has always represented a defining experience. That act of crossing an ocean meant that you left your old world behind and came to a new world.

This inevitably conveys the idea of a fresh start, becoming a new person. Perhaps this nowhere is more dramatically illustrated than in the instance of Georgia, which, of course, a lot of us think of as the home of Scarlett O'Hara

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and Tara. Georgia began as a penal colony. It began as a place where James Oglethorpe could settle a new land with former prisoners. And those former prisoners became new people; and some of them actually became very successful landowners, plantation owners and, later, Georgia aristocrats.

This kind of change was true not only for the early colonists and early settlers, but for all subsequent waves of immigrants.

You see this very often with the propensity at Ellis Island to change names. I know, in my own family, my grandfather, whose name was Medvyed in Ukraine, came with his brother; and just because they were in different lines at Ellis Island, his brother became Kaufman because, famously, the immigration clerk couldn't pronounce Medvyed or didn't want to write it down.

New Identity

This whole idea of a new identity, a new person, has been very fundamental to America. Frederick Jackson Turner is correct in saying that the frontier experience is the formative experience for all of American consciousness. This has always been a country where you could recreate yourself, pull up your roots and start again, and become, ultimately, anything you want—by building your own empire.

Millions of 19th century and early 20th century American young people were inspired by the story of Andrew Carnegie, a poor Scottish boy who came to these shores at age 13, worked as a bobbin boy in a cotton factory, then worked his way up, and became a great industrialist and a great philanthropist.

PART OF OUR NATIONAL BIRTHRIGHT INVOLVES NOT ONLY A TOLERANCE OF ECCENTRICITY, BUT A DOWNRIGHT AFFECTION FOR IT.

Or stories of Abraham Lincoln, coming from literally the most impoverished circumstances imaginable. All those stories about him learning to read by candlelight are basically true, a miraculous tale of a humble child who recreated himself as not only a great statesman but also one the great prose stylists in the history of the English language.

Horatio Alger wrote more than a hundred novels extolling such transformations and became one of the great best-selling authors in history before his death in 1894. And even if you go forward to the 20th century, perhaps the great American novel of this century, *The Great Gatsby*, tells precisely such a story.

Jimmy Gatz becomes Jay Gatsby, and recreates himself in the image of elegant party giver and lord of the manor in West Egg, Long Island, in order to impress his lady love, Daisy Buchanan: He goes through this transformative American experience.

When it comes to Hollywood, the very creation of Hollywood involved the same kind of transformation. Former furriers and junk dealers—nearly all of them Eastern European Jewish immigrants—go west and become moguls, and live in homes that seem to recreate either old Tudor manor houses or Southern plantation homes.

Such transformation is true in all the real-life Hollywood stories that everybody loves, like the story of Charlie Chaplin, poor, unhappy English boy, who becomes fabulously wealthy and, before he reaches the age of 30, is making—in real-dollar terms in those days $2 million a year, a figure which puts to shame many of the very highly paid stars of today.

The slogan that Huey Long, the "Kingfish," used, "Every man a king," may have been abused by a dangerous political demagogue in the 1930s, but it touches a profound American chord. This notion of "Every man a king," setting up a home, a spread, a place of his own, changing his family's destiny, is a profoundly, uniquely, seductively American idea.

Transformation

Even today, this idea of transformation and self-improvement lives on in Hollywood. One of the two leading box office stars in the world right now is a profoundly American figure with that old-fashioned, down-home American name of Arnold Schwarzenegger.

How can I say that the Austrian Oak is a profoundly American figure?

Well, I'll tell you how. It's very funny, when you travel abroad, Schwarzenegger is not identified as an Austrian. He's identified as American.

What is it about him?

It's certainly not the way he speaks English that leads people to describe him as an American.

It is the whole idea of this young man who devoted virtually all of his time to building up his body, to changing himself—because, God knows, no one is born with a body like that—who becomes a world-famous bodybuilder and then becomes the world's greatest star. What a testimonial to the old American idea of self-improvement, of building yourself up.

And other American popular stars in motion pictures, Sylvester Stallone, Clint Eastwood, Bruce Willis—all were people who were street kids, whose entire appeal is based upon the fact that they are underdogs who somehow lived out this fantasy life of going from knocking about, struggling for a living, to becoming multimillionaires and vastly admired figures.

A Clint Eastwood movie that I like very much speaks particularly eloquently about this self-transformative principle of American life. It's a film called *Bronco Billy*.

I think it's Eastwood's best film. He starred in it and directed it. He plays this contemporary rodeo cowboy who goes around doing a Wild West show and is defending all of the old classic Western ideals and sees that the world has passed them by.

It turns out that the punch line of the movie is that Billy was actually a shoe salesman in New Jersey, before he decided, through an act of will, to make himself a cowboy. How wonderful. How appealing. How profoundly American.

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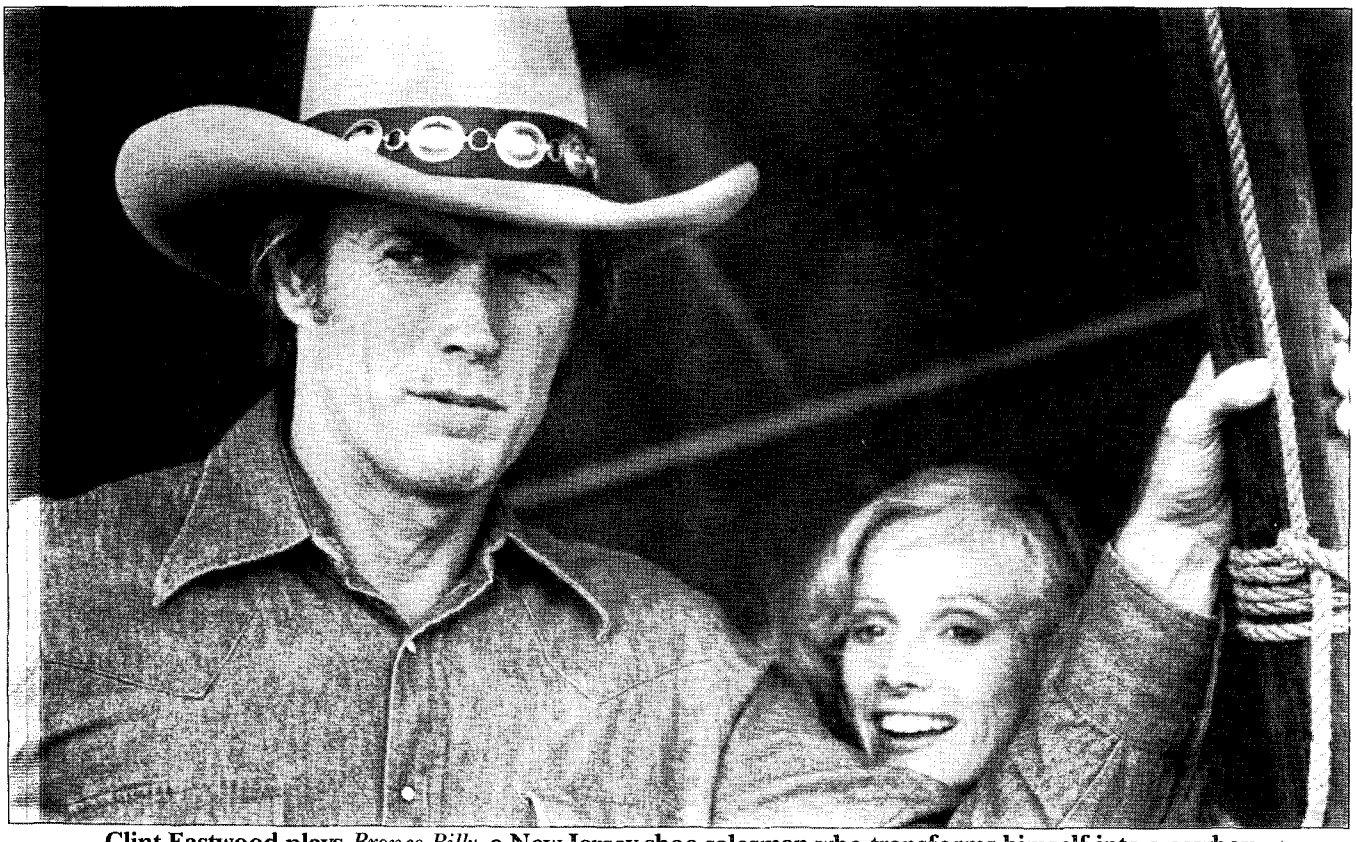

Photofest

Clint Eastwood plays *Bronco Billy*, a New Jersey shoe salesman who transforms himself into a cowboy. Self-transformation and reinvention are key elements of American life.

And the other aspect of this ability at self-transformation that has been so attractive to the whole world, is precisely what it implies about the lack of class distinctions in the United States.

A couple of years ago, a friend of mine who is a screen writer got an assignment to do a TV movie that was going to be an American version and an update of George Bernard Shaw's *Pygmalion*. No one has ever accused Hollywood of being original, right?

So, they were going to remake *Pygmalion*, which, of course, was the basis for *My Fair Lady*, but what they found was it didn't work. What they were supposed to do was bring it up to date in contemporary New York. And somebody comes out of a Broadway theater and sees somebody who is begging on the street corner.

But the whole idea that someone would be consigned to a working-class life or worse, to a life on the streets, because of accent—that might work in England. But in America? Not a chance.

This openness, this ability to change, this emphasis on self-improvement, are all part of what has drawn the affection and attention of the whole world.

Early American Tolerance

And so, too, has the second theme, our great tolerance of every unprecedented diversity.

This was not something that our early settlers, the original colonists, set out to establish—with the singular exception of Roger Williams in Rhode Island, which was very much an exception, as a tolerant colony.

But the other Colonial experiments were not set up to be tolerant. Massachusetts Bay Colony, the largest of the New England settlements, was hardly a tolerant place. As you probably know, they did not particularly welcome religious dissent in Massachusetts Bay.

In the Colonial period, it would be hard to say that, in fact, tolerance and diversity were particularly American traits. Each colony had it own unique identity and its own officially or semi-officially established church.

But the American Revolution changed all of that by bringing the 13 colonies together. And all of a sudden, the Puritans of Massachusetts had to confront a reality. They joined in the struggle for independence alongside Pennsylvania Quakers.

Now, less than a hundred years before, four Quakers were hanged in Massachusetts Bay Colony for resisting religious authority there. But if you're going to weld a new country together out of 13 greatly diverse colonies, then suddenly diversity and tolerance must become national priorities.

If you look at the composition of the Continental Army, there were Scotch-Irish people from the Highlands, particularly in North Carolina, and German immigrants from Pennsylvania. There were generals named Kosciusko and Pulaski and von Steuben and Lafayette. The principle of diversity has been part of the American experience from the beginning of this nation.

And, of course, the waves of immigration, particularly from Ireland and Germany, that followed shortly after the establishment of our nation only confirmed this tendency toward diversity.

Yes, there was tremendous nativist reaction. There was

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a Know-Nothing Party which ran a former president, Millard Fillmore, and did fairly well at the ballot box in 1856. But those nativist reactions never overcame the fundamental American ideal, because this tolerance of diversity was somehow necessary, was somehow fundamentally American.

Emperor Norton

Inevitably, this principle of toleration, though occasionally frayed and strained, encouraged not only diversity, but eccentricity.

Throughout the 18th and 19th centuries, numerous utopian groups created their own "heavens on earth" in the American heartland, ranging from the Shakers, to Robert Owen's "New Harmony," to the Oneida community. In the 20th Century we may have the *Joy of Sex*, but in the previous century they celebrated "The Joy of Sects." Though these often marginal groups might be occasionally persecuted—the Mormons, for instance—they still managed to thrive and proliferate in America as nowhere else in the world. In fact, I would submit that part of our national birthright involves not only a tolerance of eccentricity, but a downright affection for it.

Consider the story of the Emperor Norton, who was a failed Jewish businessman named Joshua Norton in San Francisco in the mid-19th century. After his business enterprises all failed, he "went around the bend"—I think that's the clinical term—and he proclaimed himself the Emperor Norton I and Protector of Mexico. He wore a blue uniform with gold epaulets, and a high beaver hat, and printed his own currency with his likeness on it.

For almost 30 years, the merchants of San Francisco humored him and honored his script. Newspapers published his proclamations and crowds flocked to his state occasions. His funeral in 1880 was the largest funeral up to that time ever held in San Francisco, with an estimated 30,000 people attending.

WITHOUT THE EMPHASIS ON FAMILY, THE MODEL OF TRANSFORMATION BECOMES NOT A BUSINESS BUILDER, BUT A LOTTERY WINNER.

He became a beloved figure because he was nuts and he hung around and declared himself the Emperor of the United States and the Protector of Mexico. This somehow is uniquely American—tolerating and indulging such an eccentric.

The result of all of this is the message to the world that "there is no one way to be American." In movies and in TV today, there is greater diversity than ever before, not only with the presence of African Americans, but with specific characters of every ethnicity.

In the early days in Hollywood, there was a great tendency to take rye and pumpernickel that might be very flavorful and turn them into bland, flavorless Wonder Bread. But now, characters appear all the time with their own ethnicity intact. And this certainly would be is the American tradition of tolerance of diversity and is part of the tremendous energy that still exists in this culture. And it still appeals to the rest of the world.

Boisterous, Rowdy Culture

And that brings me to the final theme, the basic disrespect for authority. This one also goes back to the very beginning, even to the Plymouth Plantation. The Pilgrims in Plymouth were very few in number, barely 200, but already in 1627 they had to deal with a rebel named Thomas Morton, who, 25 miles away, founded his own rival colony called Merry Mount.

Morton was a remarkable fellow who probably would have been much more at home at Berkeley in the 1960s than he was in Massachusetts in the 1620s, because he began trading rum to the Native Americans, which made him very popular with them.

Morton set up an 80-foot Maypole and practiced and preached free love, particularly among Native Americans and the loose-floating, consistently drunk eccentrics who gathered around him.

Plymouth Plantation continually tried to suppress Thomas Morton. Eventually there was a military expedition, with the full military might of Plymouth Plantation, which was 16 men led by Captain Miles Standish, who was referred to by Thomas Morton as "Captain Shrimp." This led to a confrontation where various rum caskets were smashed, and one of Morton's men was injured because he was so drunk he fell on his own sword. The Maypole that Thomas Morton had set up at Merry Mount was torn down, and Morton was led back to Plymouth in chains—only to challenge the Pilgrims again one year later, with similar results.

But in any event, this great disrespecter of authority was later immortalized in a fine American opera, called *Merry Mount*, by the American composer Howard Hanson. And this was only the beginning of the American tradition of disrespect.

We have Bacon's Rebellion in 1676, Shays' Rebellion in 1786, and later the Whiskey Rebellion in 1794, and the American Revolution itself, in which the Sons of Liberty played such a prominent role.

The Sons of Liberty were not nice guys. They were rowdy. They were boisterous. They were mean. And they particularly turned their sights on stuffed shirts, on wealthy merchants, who they would often tar and feather or hoist to the top of Liberty poles, which was apparently a very unpleasant experience for the victim.

Rebel Appeal

And American political culture continued on its boisterous, rowdy, indecorous course throughout our history.

Consider the edifying example of a particularly colorful early congressman. In 1798, Matthew Lyon, the representative from Vermont, was notably a hothead. His opponents once described him as "...a strange, offensive brute/too wild to tame, too base to shoot." Once, he spat in the face of one of his colleagues, Roger Griswold from Connecticut, and Griswold stewed over that insult for two weeks, until one day on the floor he picked up his cane and started bashing Lyon over the head.

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And not to have the better gotten of him, Lyon picked up a pair of tongs—very hot tongs from the fireplace, which was then heating the House chamber, and immediately applied the tongs to the two sides of Roger Griswold's face and head.

And all of this was immortalized in what became a very famous portrait, with Speaker of the House Jonathan Dayton looking on, bemused and doing nothing, as these two people are fighting one another.

This event represented a popular early image of our House of Representatives and how it conducted business. It showed great disrespect for authority.

Lyon went on to criticize then-sitting President John Adams, in defiance of the Sedition Act, which President Adams had applied, making it a crime to personally criticize the president. The congressman was sentenced to four months in a tiny one-room jail in Vergennes, Vermont.

A vigil around his jail cell was staged by the Green Mountain Republicans, who supported him, held torchlight rallies, and conducted his campaign. From that jail cell, he was reelected by a 2 to 1 margin—a rather happier result than Dan Rostenkowski recently experienced.

American culture has never emphasized straight-laced, decorous, polite behavior. Our culture is much in tune with the spirit of another congressman, Davy Crockett, or Tom Sawyer and Huck Finn. This spirit of youth, this spirit of disrespect for authority, is an appropriate spirit for a country born, after all, of revolution.

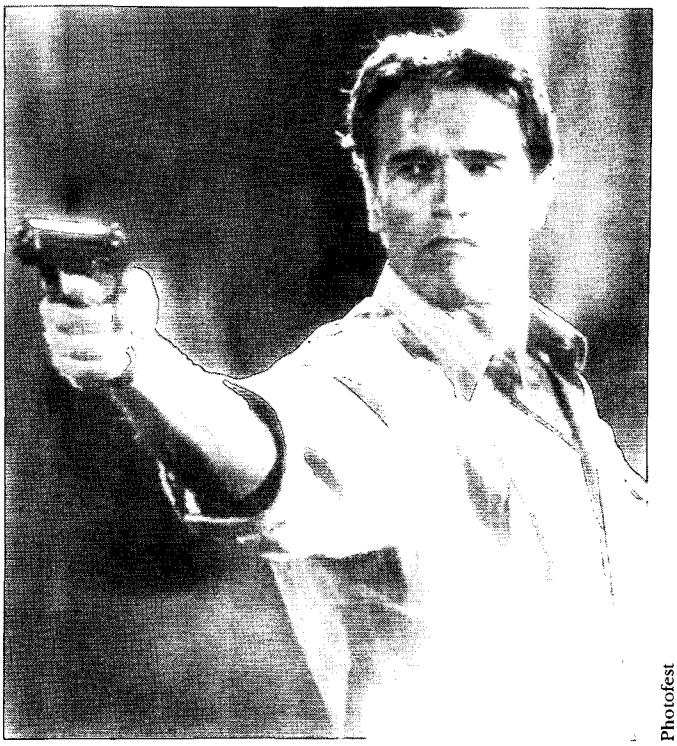
And, again, this applies to Hollywood. Though it may be distasteful to talk about it, the first huge national hit was fully within this spirit. *Birth of a Nation* reached a higher percentage of the American population than any subsequent movie.

Birth of a Nation, to our embarrassment, glorified the Ku Klux Klan, as rebels against authority, guys who took matters into their own hands. This was a romanticized and completely mendacious view of the Klan, of course, but that was what the movie was selling. Part of the charm of *Forrest Gump*—which is now close to $300 million at the box office—is when it shows a young man who is having a tough time controlling his bladder while he's visiting a rather stuffed-shirt President of the United States. Here is a hero who is silly and innocent and charming around all kinds of real-life newsreel footage of great figures in our history.

The very essence of the appeal of American popular music is this rude, boisterous, rowdy, disrespectful atmosphere; the *Rebel Without a Cause* legacy of youth versus age. Rock music is popular precisely because its attitude, its disrespect for authority, its disregard for convention, is profoundly liberating.

And by the way, this disrespect for authority and for the establishment, is alive and well in the American electorate. The November ballot results reflect this consistent American theme of challenging establishment authority and resentment for any establishment that seems too dominant and too impregnable.

Why, then, does American culture look so dysfunctional? Why do so many of us look out and see that the old values that this country has cherished are in disrepair?



Photofest

Arnold Schwarzenegger, the "Austrian Oak," is in one sense a profoundly American character.

The answer is that we have so far only told half the story. It would be the same sort of thing as if Arnold Schwarzenegger were building himself up by only working with his left arm, while letting his right arm shrivel. He would be something of a freak and would certainly not have enjoyed the popularity that he does.

Countervailing Forces

Because we have discussed only certain underlying themes, without at all mentioning the countervailing institutions and values that have always balanced those themes and allowed them to work.

And it's precisely those countervailing forces that are under attack and that have turned what are, after all, very positive, very attractive, very nourishing American impulses into very destructive ones.

The self-transformation impulse has always been balanced by an emphasis on family.

The tolerance of diversity has always been balanced by a tremendous sense of underlying patriotism and pride in the United States.

And the disrespect for authority has always been balanced by a reverence for *higher* authority, religious faith.

And when these three countervailing forces, family, patriotism, and faith, are under attack and are undermined, the previously healthy American impulses become corrosive and dangerous.

When you talk about the idea that you can be anything you want to be, this is most commonly transposed in American tradition to the idea that *your children* can be anything they want to be.

We have had a tremendous emphasis on nuclear family in this country. In fact, many sociologists suggest that

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Played by Robert Redford in one version of Fitzgerald's novel, Jimmy Gatz becomes Jay Gatsby, recreating himself—in the American tradition—as an elegant party giver, in order to impress his ladylove, Daisy Buchanan (Mia Farrow).

America essentially invented the idea of the nuclear family to replace the old idea of the extended family. It's precisely because so many people came here and left extended families behind, or people moved to the frontier and left extended families behind, that this little constellation of mother and father and children became so enormously important.

In other words, as Americans were cut off from their past, they emphasized their future. But they kept a long-term view. That emphasis on future, on children, on nuclear family prevented the emphasis on self-transformation from being merely selfish.

And this balance provided by an emphasis on family offered a very necessary safety valve, because there was a recognition that not everybody can transform himself in one generation in the way that he or she wants.

But the entire American ideal, the refrain of everyone's immigrant grandparents, of everyone's frontier grandparents, of everyone's slave grandparents, was: "My children are going to have things better than I did."

Trading Up: Trophy Wives

But without a commitment to family, what does this impulse to transformation lead to?

On the most obvious level, it leads to a phenomenon that is particularly prominent in the Hollywood community today, which is the idea of constantly shifting family alliances, of winning trophy wives, of trading up.

You want to transform yourself? You get a younger and prettier model, sometimes literally a model, sometimes a young actress, whatever it happens to be. But that seems to be the most obvious, the most easy way to transform your life. If you don't have a countervailing balance of family and commitment to family, then the impulse to transformation can lead even to that kind of shallow and destructive behavior.

Without the emphasis on family, which is the long-term view connecting this transformative impulse to the future, the model of transformation becomes not a business builder, but a lottery winner. And this notion, of course, breeds all sorts of impatience, a sense of being cheated, class envy, bitterness, and sourness. The desire for change—without family—becomes an acid, eating into the very soul of the country.

And that brings us to the second healthy American impulse, the tolerance for diversity. This has always been balanced by a great depth and passion of patriotism: the sense that for all of our different backgrounds, for all of the variety of history that we brought to this country, or for all of our quirks in the present, we were all part of a larger, higher, and better American adventure.

I think of my own grandfather, who came here from Ukraine in 1910. When he died in the 1950s, one of the things that he left behind was the book that he had used to study for his citizenship exam. The book was in Yiddish, and it was amazing to look at the pages of this book with pictures of Abraham Lincoln and Thomas Jefferson and George Washington, with the Yiddish writing underneath.

And, of course, there weren't only Yiddish books. There were Polish books, Italian books, and German books. Everyone was taught the same ideal, the notion that America was something better.

You didn't have to erase who you were or where you came from, but you did have to join this larger enterprise and recognize that this new identity was preferable to what you left behind, which previous generations of immigrants were only too ready to do.

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That's why the scenes we recently had in California with demonstrations against Proposition 187, where people proudly carried Mexican flags, came as such an unpleasant shock to so many people.

If there is one thing—and as a Californian, I can tell you—that assured that the proposition would pass with 60 percent of the vote, it was having 75,000 people in the streets of Los Angeles carrying Mexican flags. That was exactly the kind of thing that the advocates of the proposition didn't like.

'Out of Many, One'

The American tradition of tolerance of diversity is now undermined by the lack of a corresponding will to form a united country.

The vice president of the United States apparently doesn't understand our national motto, properly translated "*E pluribus unum.*" That means "Out of many, one." Al Gore recently translated it "Out of one, many," and used that mistranslation as a defense of multiculturalism!

The American ideal was that you take these disparate parts and form a united country. You can keep your uniqueness within the greater whole, but there needs to be a greater whole where you are proud and confident that what you are doing is noble and important.

How many American schoolchildren today are taught that America is noble and important—especially now that we have new history standards that mention the Ku Klux Klan twice as frequently as they mention Lincoln, and have no mention at all of Benjamin Franklin, Thomas Edison, or the Wright Brothers.

Without patriotism, without the confidence in the inherent worth of the United States, the otherwise healthy impulse toward tolerance and diversity becomes a tendency toward fragmentation, toward balkanization: a balkanization otherwise known as multiculturalism.

Without that corresponding patriotism, the essence of what is going on today is not the acceptance of differences but our insistence on differences. And that leads to a fragmented society with no sense of community and no sense of connection.

Disrespect for Authority

Similarly, the disrespect for authority has always been balanced in the past by acknowledgment of a higher authority—by faith in God and the importance of religion. That's the very essence of our colonial past. We celebrate this every year at Thanksgiving.

The Pilgrims showed disrespect for authority. They left England: left persecution there, rejected authority there, and came to the United States under the higher authority of God Almighty. The same was true of people in many of the early colonial settlements, leaving behind what they viewed as a corrupt, temporal authority, but bending their will to the higher authority of the one God. It's extremely important to remember that the marching song of the American Revolution, highly popular in its day, was not *Yankee Doodle.* It was a hymn written by William Billings of Boston called *Chester,* which virtually all members of the Continental Army sang.

In its final verse, it declared: *Let tyrants shake their iron rods/Let slavery clank its galling chains/We fear them not/We trust in God/New England's God forever reigns.*

The Bettman Archive

Our culture is in tune with Huck Finn: The spirit of youth.

Look at Thomas Jefferson, a rebel. Disrespect for authority? Sure. Disrespect for the established Anglican Church in Virginia? Yes, even that. But an atheist? Hardly.

Go to the Jefferson Memorial, and you will see inscribed on the wall: "I have sworn upon the altar of God, eternal hostility to every form of tyranny over the mind of man." Atheists don't usually swear on the altar of God. Nor do they spend a great deal of time, as Jefferson did, editing his own version of favorite biblical passages—the famous "Jefferson Bible."

Alexis de Tocqueville in the 1830s looked across the United States and was amazed at the religious enthusiasm he saw. He found the American people far more religiously active than any people in Europe, with much greater passion for their church worship and for their emotional expression of faith in God.

That enthusiasm was specifically related to their lack of fealty to dukes or princes, that notion that we serve God alone. We bend our knee to no temporal authority; we have disrespect for temporal authority. But we do bend our knee to the Almighty.

Other countries, such as Great Britain, could view

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temporal authority as some kind of intermediary between man and God. After all, the anthem there, *God Save the King*, suggests that the king comes between the citizen and the Almighty.

But contrast that with *God Bless America*, a popular song here, composed by a Jewish immigrant named Irving Berlin and written originally for a Hollywood movie, but suggesting:

God Bless America/Land that I Love/Stand beside her/And guide her/Through the night/With a Light/From above.

THE PROBLEM ISN'T TOO MUCH VIOLENCE ON TV, OR TOO MUCH PROMISCUOUS SEXUALITY IN POPULAR CULTURE. THE PROBLEM IS TOO MUCH TV, PERIOD.

This entire notion of America blessed by God, of the individual's relationship to the Almighty, is absolutely essential to balance our national tendency to disrespect authority.

Without the notion of ultimate authority, without some notion of ultimate responsibility, without some sense of ultimate right and wrong, some ultimate code, you're a savage; you're a slave to your impulse. And that's exactly what has gone wrong for so many younger Americans in this country today.

It's great to be independent, to be rowdy, to be cheeky, to be rebellious and disrespectful. Those are all good, solid American traits, but they're only positive if they're set within a context of decency, of an overriding commitment to do the right thing, to live by a code.

You see it in movies very clearly. The western hero is a great disrespecter of authority, but he lives by a code. That's why he's a hero and that's why there's a world of difference between movies like *The Searchers* or *Stagecoach* or *Fort Apache*, old, classic John Ford Westerns, and the utterly barbaric, nihilistic world of *Pulp Fiction*.

And you can see it in baseball. We disrespect authority. We argue with the ump. We boo the umpire consistently. But there is the idea that the game is played by ultimate rules. That there is a higher authority. You can argue with the umpire, but you don't question those ultimate rules, which are bigger than winning or losing.

And if you play without rules, if you have disrespect for authority without an underlying faith, that not only leads to the savagery and behavior that we've talked about, but it leads to cynicism in the soul.

If institutions are corrupt, they deserve a Bronx cheer, which is a good, rude, classic American sound. But if there's no higher truth, no reigning God behind the temporal and temporary corruption, then the entire universe gets a Bronx cheer. And that is not a robust American sound. It is the noise of nihilism.

That's the noise which we hear around us too often today from the radio, not only the so-called music but from the likes of Howard Stern. And we hear the same noise of nihilism from the current national chorus of whining, from people who not only have no respect for authority, but who, because of a lack of overriding faith, have no respect for anything at all.

So, where does that leave us?

Without countervailing forces of family, patriotism, and faith, the old American impulses that are still so dominant in our culture can't play the healthy role they once did. We must resolve to restore balance, to re-establish that equilibrium so that these American themes can become nurturing and energizing once again, not destructive and corrosive.

Otherwise, we're left with individuals yearning for transformation and feeling cheated and frustrated, with no family ties, no stake in the future.

We're left with a nation of diverse, disconnected, atomized individuals who are never linked together by a unifying vision of national pride or purpose.

And we're left as an assemblage of angry, cynical people who have no respect for authority, for standards of any kind, or for one another, or for a higher power.

And what is the common element in each of those dilemmas?

That common element is loneliness. Our great national plague is isolation, a lack of community or continuity.

Forty years ago, David Riesman, the sociologist, wrote about "the lonely crowd," people living in crowds and yet feeling unconnected to the other members of that faceless group.

Today it's even worse. People are afraid to go out in a crowd. Today the metaphor wouldn't be "the lonely crowd," it would be "the lonely watcher," isolated 28 hours a week, holding a remote control, channel-surfing, with no satisfaction and no connection.

'HEAR,' NOT 'LOOK'

And this brings me, at long last, to my concluding point, which concerns what we all must do to restore that balance, to help the American impulses become invigorating again.

OUR GREATEST NATIONAL PLAGUE IS ISOLATION, A LACK OF COMMUNITY OR CONNECTION.

How can you rebuild the countervailing forces of family, patriotism, and faith? One thing you can say for certain is that television is definitely part of the problem.

I'm not now talking in the *Hollywood versus America* sense that I've written about before, about the specific themes of television that challenge family, patriotism, and faith. I am talking about the nature of the medium itself.

When it comes to transformation, television tempts and tantalizes with the ads, with the visions of sexuality in the programming and in the commercials. And it also

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breeds impatience, showing us a world where everything is settled in 30-minute shows or 60-minute shows or, at most, 90-minute shows. Everything is taken care of, neatly dispatched.

And those temptations and that impatience are the enemy, the profound enemy, of the self-discipline that's necessary to preserve family.

In place of diversity, we have a focus on the bizarre, the dysfunctional, the so-called reality-based programming.

But we also have a focus on everything that's going wrong in this country in the news. And that, of course, is the enemy of any sense of patriotism or national pride or purpose.

And when it comes to disrespect for authority, TV becomes the only authority and enslaves us with a tyranny of the eyes. And that, of course, is the enemy of religious faith. You'll notice, in the Bible, when God speaks to people and addresses human beings, it is never through the eyes. You never see God. You hear God. You hear the voice of God.

In the Bible, it says, "Hear, O Israel," not "Look, O Israel."

Because the eyes lead us to trouble. And the eyes, in fact, in Biblical terms and in real terms, lead to idol worship, and to false gods. And television has become the great idol of our time.

Does this sound extreme? Perhaps.

But ask yourself, even if through some miracle TV could be instantly cleansed of all the violence and all the smut, would you, then, feel very comfortable about the idea of your children spending 28 hours a week watching TV? Of course not.

The problem in the country isn't too much violence on TV, and it isn't too much promiscuous sexuality in popular culture. It's too much television, period. We are at a crucial stage in the evolution of this discussion.

Years ago, when the surgeon general announced to the public that smoking might not be the best thing for all Americans, you know the first thing that people did? People didn't urge that we stop smoking. They tried to take the tar and nicotine out of cigarettes.

Now, that was a useful thing, in and of itself. It might make cigarettes a little bit less damaging. But did it solve the problem? Not at all. Eventually we had to go to the stage of actually getting people to reduce smoking.

We're in the same stage with television. The emphasis on violence and smut on TV, and their destructive impact—that's like reducing the tar and nicotine. But the problem of the addiction remains.

The difference between good television and bad television is like the difference between good heroin and bad heroin. Even if you spent all of your 28 hours watching C-Span—or watching "Sneak Previews" on PBS—that amount of time sitting passively, engaged in watching flickering images on a cathode ray tube, would be bad for you. It's obviously bad for family relationships—when you spend more time watching fictional TV characters than you do talking with your own loved ones. It's clearly destructive to any sense of community when we come to know Roseanne's TV family better than we know the real-life neighbors next door.

Photofest

Irving Berlin's song, *God Bless America*, reflects the American reverence for God and His gifts to our nation, which must balance our national inclination to disrespect all temporal authority.

It's incontestably undermining to a sense of higher authority, of Godliness, when we spend such a heavy percentage of our few, precious moments on this earth in an activity that is fundamentally worthless.

The census bureau tells us the average American now lives for 75 years, 6 months. That means that the average American will invest 13 years of life—that's 13 uninterrupted years of 24 hours days, 7 days a week—watching television! Do you want that on your gravestone, "Here lies our beloved husband and father who selflessly devoted over 13 years of life to his TV set"?

Your TV set doesn't need your time. But your family does. Your community does. Your country does.

We need your time, we need your focus, we need your commitment to re-establish the countervailing forces of faith, patriotism, and family, so that what's right with American culture can, once again, work for the benefit of this great and this noble country, which continues to be, in Lincoln's phrase, "the last, best hope of earth."

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A Madisonian Compromise

Term Limits for the House, But Not the Senate

James R. Stoner Jr.

In the summer of 1787, the delegates who gathered in Philadelphia to reform our nation's Congress were deeply divided on matters both of principle and of prudence. Those from the larger or more ambitious states sought to make the Congress a genuinely republican body of the kind already known in the states, a bicameral legislature, whose popular house would consist of representatives chosen in proportion to population, and whose second house would be chosen by the first. Delegates from the smaller or more diffident states insisted on maintaining the status quo under the Articles of Confederation, according to which each state delegation had a single vote in a unicameral Congress, in recognition of the independence (they said "sovereignty") of their separately constituted political societies.

The impasse, which threatened to disband the Federal Convention or thwart meaningful reform, was overcome, of course, by what has come to be known as the Great Compromise: Congress would consist of a House of Representatives, elected directly by the people with members distributed among the states in proportion to their populations, and a Senate, made up of two senators elected by the legislatures of each state. Except that the Seventeenth Amendment gave election of senators to the people of the states in 1913, this arrangement has held into the present.

Popular Reform

In the winter of 1995, Congress will convene in Washington with a clear mandate to reform itself, and while many proposals are on the agenda, one that is sure to receive much attention is the call for a limit on the number of terms, or at least consecutive terms, that a member of Congress can serve. Though this reform has proven highly popular among voters in many states in recent years, and a substantial part of the new congressional majority stands pledged in its favor, there is reason to doubt whether its success is ensured. The party most supportive of term limits has, by its very victory, deprived its members of the strongest partisan motive for that reform. Although Republicans have a healthy fear of betraying the voters who have given them a chance to rule, one may wonder whether a sustained rather than symbolic effort on behalf of term limits is forthcoming. Moreover, the GOP leadership is in the awkward position of exceeding in its tenure the very limits it proposes. Most importantly, among conservatives (and, for that matter, liberals) there is considerable disagreement about the genuine value, as opposed to the popularity, of the reform, and when amendment of the Constitution is at issue, this must give pause.

Bringing Home the Bacon

The arguments for and against the limitation of congressional terms have been widely rehearsed, not least in this journal, so I will content myself with a bare summary. Proponents of term limits argue that the professionalization of Congress since the New Deal has undermined its representative character. The career legislator makes an art of bringing home bacon to his constituents and of responding to the troubles they have with the federal bureaucracy he has helped impose upon their lives, but he is unresponsive to their political concerns and unable to dismantle the system of favors upon which his incumbency seems to depend. Term limits, it is argued, will break the back of careerism and so change the structure of incentives that congressmen face, freeing them from the temptation to raid the treasury in order that they may concentrate on legislating for the public interest—not least in removing wasteful subsidies, taming the deficit, and offering tax relief.

Term limits opponents, at least among conservatives, while agreeing on diagnosis of the illness in the current system, think that the move to limit terms distracts from the cause of genuine fiscal reform. The people can easily enough limit the careers of their congressmen with the switch of a lever, once they are persuaded that the other party means business when it promises to reduce government—as perhaps we have just seen. Moreover, they are impressed with the fact that the Framers of the Constitution considered and rejected limiting congressional terms, and that turnover in Congress in the 19th century was often at least 50 percent. A revived republican political culture can deflate the pressure of incumbency, with-

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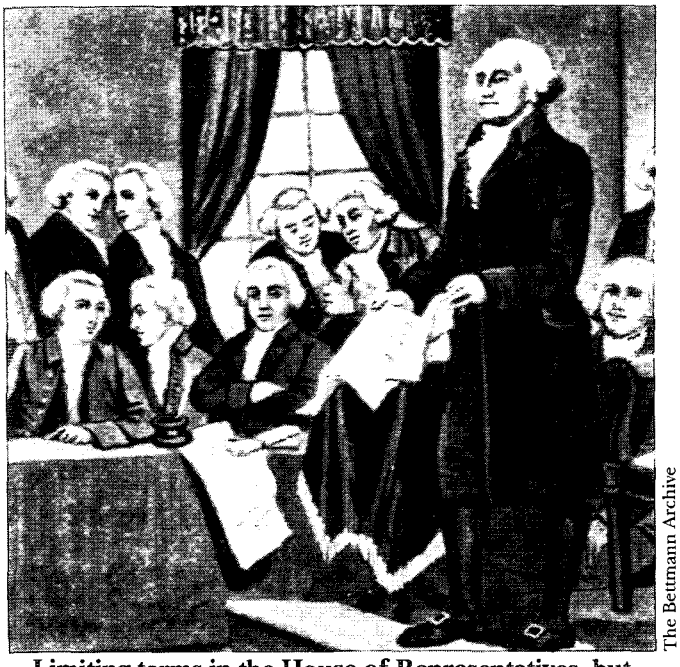
out depriving people of rewarding the truly meritorious with continued custody of the people's affairs.

Framing a Compromise

What I propose is a compromise: Limit terms in the House of Representatives, but leave senators free to be reelected as long as they choose or as long as they can. Treating the two houses of Congress differently, it seems to me, has behind it the authority of the Framers of the Constitution. They saw in bicameralism not only a means to slow down legislation, but also an opportunity to accommodate competing principles within the government, and thus to achieve complementary goods. The House of Representatives, James Madison wrote in *The Federalist Papers* (#52), "should have an immediate dependence on, and an intimate sympathy with the people," since "it is essential to liberty that the government in general, should have a common interest with the people." Whatever the sophisticated arguments in favor of term limits, Madison's words capture precisely the sentiment that has made such limits so popular in our own time. Although they would be an innovation upon the Framers' means, term limits for members of the House seem clearly designed to achieve the Framers' ends for that body—a new remedy for a new disease, to recover lost health.

But the Senate was not intended merely to reproduce the House in smaller form, as the greater length of the senatorial term—six years, not two—makes clear. If the House was meant to keep the government closely allied to popular sentiment, the Senate was to be a depository of experience and stability. Madison's papers on this score (*Federalist* #62 and #63) are well worth rereading. Consider this: "To a people as little blinded by prejudice, or corrupted by flattery, as those whom I address, I shall not scruple to add, that such an institution may be sometimes necessary, as a defence to the people against their own temporary errors and delusions." Some objects of government depend "on a succession of well chosen and well connected measures, which have a gradual and perhaps unobserved operation," so that even for the people to determine who deserves credit or blame is not the business of a moment's observation. For example, now that the 40-year policy of containment has been vindicated by the collapse of Communism, who can say with confidence that we would have held the line if, in the heady days of detente in the 1970s, the Senate had been purged by term limits of the Cold Warriors who remembered Stalin's and Khrushchev's threats?

The secret of this compromise solution is that, by less drastic means, it should accomplish what the proponents of term limits hope for, while avoiding evils that opponents fear. The limitation of careers in the House will make elections to the Senate more competitive, since experience has shown (not least in the recent election) that representatives are among a sitting senator's most successful opponents, but nowadays able representatives have less incentive to abandon a secure House seat to run for Senate than they would if no House seat is secure



The Bettmann Archive

Limiting terms in the House of Representatives, but not the Senate, would be true to the spirit of the Constitution's Framers.

beyond, say, a dozen years. Forcing the federal retirement of successful politicians should also keep power circulating in the states, whose political life might be revitalized as well by the return of some responsibility from Washington to the people's more immediate agents. Besides, it is good to preserve some place in government where incumbency is indefinite, if only to preserve for the people the special authority that comes with dismissal before the deadline. Think how much more impressive is the replacement of a president after one term than after two!

Secure Foundations

Compromise has gotten a bad name in American politics in recent years, and for good reason, since so often it has meant a feeble-hearted splitting of the differences—spending just a little less, taxing just a little more—while avoiding serious choices. But this is just another way that the overwhelming size of the federal budget and of the federal tax burden has eclipsed American ideals. The spirit of compromise, inherited from the classical tradition of the mixed regime, was thought essential by our Founding Fathers, who knew both how to fight a revolution against tyranny and how to bend their personal opinions in the name of the common good. A compromise on the issue of term limits would have the advantage of restoring not only something of the original distinction between the House and Senate, lost since the Seventeenth Amendment, but also the spirit of true compromise embodied in our Constitution. And that would be an especially happy model for conservative constitutional reform—to amend the Constitution in its own spirit, to repair the framework while leaving the foundation secure.

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Smoking Them Out

How to Close Down a Crack House in Your Neighborhood

Tucker Carlson

"I'll tell you how powerful it is," says Manfred, a former crack user in Washington, D.C., of the drug he once used daily. "When I first started, I had a girlfriend. Sex doesn't even compare to getting high. You can have the finest woman on the face of this earth in front of you with no clothes on begging you for it, and you'd tell her to put her clothes on and go home. You'd tell her, 'Get dressed, honey, because here's my girlfriend, right here inside this bag.'"

Though he has since quit using drugs and found a job, Manfred still sounds like an addict when he recalls the lure of crack cocaine. A few years later, the memory of his hunger for the drug remains fresh. Manfred says that during the time he smoked crack, he never had much interest in victimizing his neighbors or causing disorder in his community. His greatest desire—often, he says, his only desire—was to smoke more crack.

Individually, crack addicts often seem more pathetic than menacing. Desperate, confused, filthy, the typical addict poses little threat to his neighbors. He is more likely to beg change than rob a liquor store to support his habit. But when a group of heavy users gathers in a house, ordinary citizens have reason to fear. Together, the users' addiction can dominate not only their lives, but the life of an entire neighborhood.

Party Animals

Most crack houses evolve slowly. Initially, a crack house may consist of several friends meeting periodically to smoke cocaine. Their use of drugs may be purely recreational, and not at all disruptive to the surrounding community. Neighbors living down the street from the house may not notice its existence.

Over time, and almost imperceptibly, the atmosphere in the house may change. As their addictions grow, so too does the amount of time the crack users spend inside. After a while, they seldom leave. The building begins to fill with strangers. Other users come, as do dealers and assorted hangers-on—prostitutes and addicts, trading what they can for crack, burglars fencing stolen goods, the destitute looking for a place to sleep. Suddenly, the street outside is choked with cars, with people yelling and fighting late at night. The yard is littered with food wrappers and empty bottles of malt liquor. Addicts fire guns into the air and sometimes into each other. The neighbors become afraid to leave their porches. What was once a party between friends has become a crack house. What was once a quiet neighborhood has become dangerous.

Roger Conner knows how crack houses start, and about how hard they are to close down. In 1991, the Washington, D.C. lawyer co-authored *The Winnable War: A Community Guide to Eradicating Street Drug Markets.* Three years after he published his book, Conner's neighborhood is still afflicted. The author of *The Winnable War* lives down the street from four crack houses.

"It's an affront," says Conner of the drug trade that still flourishes in his neighborhood, despite years of legal battles and calls to the police. "It's like someone urinating on your lawn on a regular basis. That's what it feels like."

No 'Drug Dealing Here'

There were not always crack houses in Roger Conner's neighborhood. For years, drug dealers congregated around the corner from his house, in front of a reggae bar on Georgia Avenue. Conner and his neighbors took the owner of the bar to court and shut down the business. The drug dealers scattered. But they did not go far. Instead of selling their wares on the street, they moved inside, into houses in the neighborhood. Once out of public view, the dealers became less conspicuous, and harder to dislodge. "A police car driving through my neighborhood—even a very watchful police officer—would not know that there's a drug market operating here," says Conner. "They don't hang signs out that say, 'Drug Dealing Here.'"

But neighbors know. Conner says crack buyers routinely show up at the wrong house late at night. "People will come knocking on neighbors' doors asking for Fat Boy (a local dealer) at two o'clock in the morning looking for drugs." There have been burglaries. In the last year, police have responded to three drive-by shootings during

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Michele Frentrop/Philadelphia City Paper

Barbara Smith, a founder of Mantua Against Drugs (MAD) in Philadelphia, holds a neighboorhood meeting. Mantua residents are so well organized that MAD leaders say that they can eliminate a crack house in less than two weeks.

day-light hours. "At night," says one neighbor, "there's always somebody shooting." Although Conner himself has never been threatened by drug dealers, he and his family feel their presence. "I don't like using the back driveway because of the dealers who operate back there." He lives in fear, he says, that a bullet "could end up in somebody's house or somebody's kid. It's nerve-wracking."

Conner and his neighbors repeatedly told police and the local vice squad about the crack houses, but to little effect. What Conner and his neighbors saw as a threat, the police considered just another crack house—and a relatively unimportant one. The drug dealers on Conner's block were active enough to disturb life in the neighborhood, but not enough to interest the vice squad. "Apparently these people are not drug king pins," Conner says.

Looking back, Conner says he and his neighbors may have put too much confidence in local law enforcement. "The police do not view their job as shutting down a house like this," he says. "They view their job as arresting people." As Conner explains it, arresting dealers will not solve the problem. "As long as the buyers know to come there, somebody else will replace this guy if they put him in jail, and that's the reason that the whole house needs to be gotten control of."

CIVIL-IZED

Even if the police had been more responsive and interested, there is no guarantee they would have made much difference. A drug dealer who lives near Conner seems confident the police would have been unable to close down the houses. "Police have got to have probable cause," he says, displaying his legal knowledge. "They can't just bum rush your house. The police can't just come in because there's too much traffic. And we know better. We're not going to let anyone in who we don't know. And we're not selling out in front of the house. So the police can't do anything about it. All they can do is be suspicious."

Ultimately, Conner and his neighbors gathered residents in the area into a community organization they called G-FEDS, an acronym created from the names of their streets. The group became legally incorporated and

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found a lawyer to sue the owners of the crack houses for creating a public nuisance. In the meantime, the group complained about the houses to the U.S. attorney's office in Washington, which promised an investigation. "I'm hoping that we can get a federal judge to issue an order that would basically require them to keep a sign-in book of everybody that comes in the house and show it to the police periodically," says Conner.

More than a year after the group was incorporated, members of G-FEDS seem confident that federal authorities can do what Washington police could or would not. Still, the crack houses remain.

Steve Tullberg, another Washington, D.C. lawyer who lives several blocks away from Conner in the Shepherd Park neighborhood, spent months trying to close a crack house near his home. Unable to get help from the police, Tullberg and his neighbors also filed a civil suit, this one against the tenants of the crack house. In his case, the neighbors' efforts produced quick results. Hours before the trial, the crack dealers moved out. Almost instantly, the neighborhood changed. The crack addicts left. So did the lines of cars clogging the street. "It was like we'd moved to the country," Tullberg says. With victory came a lesson. "It was kind of shocking," says Tullberg, "to see that the only way to close down a blatant criminal enterprise was through civil court."

What was shocking to Tullberg has become routine in other cities, where anti-drug groups frequently find civil law a more powerful ally than police departments in the fight against crack houses. The Community Law Center in Baltimore specializes in bringing owners and tenants of drug houses to court on behalf of neighborhood organizations.

Michael Sarbanes, a staff attorney with the Community Law Center, says that when it comes to fighting crack houses, civil court can have distinct advantages over criminal court. Civil proceedings usually are quicker, capable of providing a remedy in weeks, rather than months or years. Also, says Sarbanes, victory in civil court requires only a "preponderance of proof, which is easier [to obtain] than beyond a reasonable doubt."

In order to gather proof that a residence is functioning as a crack house, the Community Law Center trains residents of drug-plagued areas to watch for suspicious visitors to their neighborhoods. The residents, most of them elderly and retired, record in log books activities around a crack house, sometimes taking down license plate numbers of suspected drug dealers. The evidence can help bolster a case in court. It may also spur local police to decisive action. "If you can lay all that information out for the police," says Sarbanes, "then you just went to the head of the list in getting a warrant."

Armed with testimony from police and neighbors, neighbors can take the owner and occupants of a crack house to court under Maryland's drug nuisance law. In order to win a case using the law, neighbors must show that drugs have been sold out of the house. With enough evidence, the tenants can be evicted, and the owner forced to take preventative measures, such as screening future renters for drug convictions. Since the late-1980s, Sarbanes and his organization have represented several neighborhood organizations in Baltimore, forcing scores of landlords to expel drug dealers from their properties.

While there is little question that filing civil suits against landlords can be an effective way to close crack houses, the process cannot begin without neighbors like Roger Conner and Steve Tullberg. Both Conner and Tullberg are lawyers, both live in solidly middle-class, racially-integrated, and relatively cohesive neighborhoods. Both had the energy, knowledge, and resources to fight the encroachment of drug dealers into their communities. Without too much difficulty, they were able to call upon other attorneys and take their disruptive neighbors to court. Even so, both Conner and Tullberg found their battles against crack houses long and difficult.

Mr. Wrice's Neighborhood

Unfortunately, most crack dealers live in neighborhoods that are very different from Tullberg and Conner's. Most live in blighted, disorganized slums, where the only real opposition to their activities comes from the police. Most live in places like the Mantua section of Philadelphia. Until several years ago, Mantua seemed a perfect place for a budding crack dealer to set up shop. But things have changed in that part of Philadelphia. The man behind much of that change is Herman Wrice.

Herman Wrice is the president and founder of Mantua Against Drugs. 6' 4" and thickly set, Wrice wears a T-shirt emblazoned with his organization's logo and a white construction helmet plastered with stickers bearing various anti-drug messages. "We're the best there is," he says, with a preacher's cadence. "They talk about us in the Mariana Islands, they talk about us in Hawaii, they talk about us in Georgia."In the space of a few years, and almost single-handedly, he has rid his neighborhood of dozens of crack houses.

Wrice has been involved with drugs in one way or another for most of his life. Starting as a pharmaceutical salesman in Philadelphia during the early-1960s, Wrice later worked for the Episcopal Church. After losing a bid for the city council in 1974, he moved to Iowa, where he ran a rehabilitation program for addicts. By the time Wrice returned to the city in 1986, large parts of Philadelphia were under the influence of crack. Wrice's own neighborhood, the Mantua section, ranked among the worst. More than 40 percent of its population lived below the poverty line. The neighborhood's infant mortality rate was among the highest in the nation.

Within a year of moving back to Philadelphia, Wrice started a group called Mantua Against Drugs. The organization had one aim—to rid Mantua of crack houses. According to Wrice, his group has nearly succeeded. "We can eliminate a crack house in less than two weeks," he says. "The trick to solving the crack problem," says Wrice, "is getting the neighbors involved."

It can be quite a trick. Many citizens will not join an anti-drug group for fear of retribution from dealers. Others may hesitate out of loyalty to friends and relatives who sell drugs. Even for those not tied by blood or friendship to the drug trade, there are ample reasons to stay away from groups like Herman Wrice's. Many people in a neighborhood may rely, at least indirectly, on the sale of drugs for their livelihoods: bodega owners who can sell

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Courtesy of PAIN

Herman Wrice's group gathers outside a suspected crack house. Every time a junkie comes to the house, the group begins to sing: "Drugs are no good."

malt liquor and cigarettes at inflated prices to teens flush with crack dollars; repair shops that do a lucrative trade keeping dealers' cars running; otherwise law-abiding families that rely on the extra income generated from drug sales to live well. As one part-time crack dealer put it, "I know a guy who has three girls, five kids, his mother, his aunts to support. They're all used to having the best. He wants to stop hustling, but he's stuck. He's hooked on the money." And so, too, are many drug-infested neighborhoods.

Holding Court

Despite these obstacles, Wrice has succeeded in organizing citizens to take on crack houses. Nowhere is his ability to organize—and the power that comes with it—more evident than in his own neighborhood. One morning in his office on North 35th Street, a cramped, dark room lined with civic awards and framed magazine articles, several men sit on low couches, smoking and reading newspapers. This is where Herman Wrice holds court.

A woman in her thirties appears at the door. "My name is Latifa Ali," she says, "and I'm looking for a Mr. Wrice." Wrice identifies himself, and the woman explains her problem. While walking with her son from the playground at a nearby housing project, she says, a young boy ran by and swore at her. "He called me the B word." Being new to the area, the woman says she looked for the local block captain, the citizen who, in most parts of Philadelphia, is elected by his neighbors to handle minor grievances. As her new neighbors soon explained, in this part of Mantua there is no block captain. There is only Herman Wrice.

"What did the kid look like," asks Wrice. "Dark complexion, about 10," replies the woman. Turning to an assistant seated on the couch, Wrice says, "find the kid, would you?" Turning back to the woman in the doorway, he assures, "We'll track him down for you, Miss Ali. And we'll have a conference with his mother this afternoon."

Relieved, the woman thanks Wrice and turns to leave. Before she does, Wrice reminds her to come to the park down the street on Saturday for a meeting and picnic. "So you can meet the neighborhood," he says. Part godfather, part high school principal, Herman Wrice keeps his little patch of Philadelphia running smoothly. But most of all, he keeps it organized.

Citizens who want Wrice's help closing a crack house must first gather a group of five or six neighbors willing to form an anti-drug organization. In order to expel crack dealers, Wrice says, a neighborhood must work together, as well as work with him. On the last point he is firm. "We only go where we're invited," he says, "and only stay where we're appreciated." Once assembled, the fledgling group attends a meeting of Mantua Against Drugs. The meetings have been held every Tuesday night since 1987 at Grace Lutheran Church, which is around the corner from Wrice's headquarters. On a typical night, 40 volunteers come to recount the marches and vigils of the past weekend.

Sometimes a cop shows up at the meetings to read a list of all the drug arrests made in the area over the previous week. The police presence is more than symbolically important. Wrice recognizes that Mantua Against Drugs is unlikely to get far without the support of local law enforcement. But overcoming the suspicion and hostility between residents of Mantua and the police department has proven difficult. Many citizens resent the police for failing to stop crime. Police may resent residents for what they believe is misplaced blame for crime. Some cops are wary of anyone who lives in a crime-plagued neighborhood, and particularly of self-appointed community leaders like Wrice, who sometimes take a greater interest in securing federal grants than in cleaning up their communities.

The mutual suspicion can hamper efforts to close crack houses, a point that Wrice makes clearly and often. He calls the police department frequently, addresses officers by their first names, and gives cops information about local drug activity.

The gestures seem to have paid off. Pinned to Wrice's T-shirt is a laminated badge designating him a Drug March Coordinator. Much like a press pass, the card is issued by the police department and entitles the bearer to hang around tough neighborhoods at night without being hassled by the authorities. "The cops don't mess with you when you wear it," says Wrice. The badge is a symbol of the wary but increasingly respectful bond that has grown between Wrice and Philadelphia police.

Wrice has developed a system for closing down crack houses, the heart of which is a Thursday night march. Armed with bullhorns and wearing white hard hats, he

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and his group assemble outside of what they suspect is a crack house. The distinctive hats are important. "All armies need uniforms," says Wrice, and in this case it's true. The hard hats help give the group a collective identity; they also help police quickly identify members of Mantua Against Drugs. Perhaps most important, the unusual headgear lets drug dealers know just who has come calling.

The dealers hardly ever welcome the attention. "They moon us," Wrice says, "they pull their pants down. That's a 15-minute ritual." And the epithets start. "You're racists, you don't like blacks," goes a common refrain. (Which is puzzling, since nearly all the members of Mantua Against Drugs are black, but Wrice seems to ignore the taunt.) "Then, all of a sudden," says Wrice with the sound of a director reciting stage directions from a well-rehearsed play, "it gets quiet." Their jeers ignored, the crack dealers retreat back inside, leaving the crowd to wait on the sidewalk for the other half of the drug problem to arrive—the users. Pretty soon, they do.

"Every time a junkie comes down the street," recounts Wrice, "we start singing: 'Drugs are no good, drugs are no good' and they turn away. We don't let them go into the house." On it goes, often for hours. Users hoping to buy drugs usually turn the other way when they see the commotion. Like carolers, Wrice's group stands on the sidewalk and serenades the drug house: "If you keep selling crack we will be back," belt the voices in unison.

The group means what it sings. Demonstrators return Friday and Saturday during the day to clean up the neighborhood, mowing lawns and picking up trash. At night they assemble again with bullhorns and chants, often staying until well past midnight. Police may stop by to lend support. The effect is predictable. Drug dealers find their flow of customers pinched, and sometimes cut off, during their most lucrative selling hours. It's the equivalent of closing a shopping mall the week before Christmas. "We disrupt the business," says Wrice simply. "We stop people from buying."

'Somebody's Going to Shoot You'

The dealers don't like the loss of trade. Sometimes they become menacing. Wrice brushes off the threat of violence. "What are they going to do? Come outside and fight 35 people, and the police?" In the event the occupants of the house decide to do just that, Wrice is prepared. "If you come out with a two-by-four," he says, "I'll get one too." It has happened before. Somebody firebombed Wrice's office several years ago. "We've been in pushing matches, brick throwing. We throw bricks back if you throw at us. We're not going to stand there and take it. We didn't come here to be nice. We're not Gandhi and King here. They [the dealers] know that, too, and it makes them think. We're not there to get spit at and slapped in the face." Standing in front of a crack house one night, a dealer warns Wrice, "Somebody's going to come and shoot you."

"Well *you* do it," Wrice answers. "You shoot us." The dealer backs off. "We're not brave people," Wrice says. "We worry about it, too. But we worry more about having a crack house in our neighborhood." He has reason to worry. A brief economics lesson follows: "Think about it—you pay $50,000 for your house, a crack house comes to the neighborhood and its value drops to $25,000. If they stay there long enough, it'll drop to $10,000."

A couple weekends of such demonstrations, and the residents of many crack houses are ready to move on or tone down their behavior. The profits from selling drugs may no longer compensate for the attention they find their house receiving from the demonstrators and the police. Plus, the ordeal is embarrassing. According to Wrice, dealers "can't stand embarrassment, not that kind." It is this kind of pressure, says Wrice, that closes crack houses. "People can't wait for the system to work. The system can help, but the cops can't be on the block all the time. But the neighbors are there."

Lights Out

Another favorite method of closing down a crack house is trying to get the utilities cut off for nonpayment. When a representative from the gas company, say, comes to shut down service to the crack house, Wrice provides a welcoming committee. "We'll have 4 or 5 people standing there when he shows up. The pressure comes in a lot of ways."

If Wrice's group can confirm the occupants of the crack house haven't paid their bills, Wrice systematically pressures each local utility company to shut off service to the house: "Then we go after the electric. Then they haven't got power. We bring in constant pressure. Once we turn off the water, then we go talk to [the department of] license and inspections. They've got no water here, so now you've got a sanitation problem, you follow?"

City inspectors follow code enforcers in increasing the bureaucratic harassment. What follows is a drug dealer's nightmare. According to Wrice, "Then the city asks for rent receipts. 'Oh you don't have rent receipts? Now there's a problem. You're living here illegally, in this unsanitary place that has no water, no gas, no electricity. So we're going to have to get an eviction notice.' Then the police get involved."

Even crack dealers can't stand such hounding—for long. Many flee the building for more friendly neighborhoods within a week. When they do, Wrice pounces. "The first time they [the crack users] leave the building, you nail it up with ply board." End of crack house. Case closed.

Usually. Even without power, water or heat, some houses manage to hold on. Committed crack users have an almost superhuman ability to live in squalor. When the power goes out, they use candles. When the water trickles off, buckets take the place of commodes. In cases like these, when the occupants stay after the utilities go, Wrice switches to Plan B—find the owner of the house. And, of course, apply pressure. Liberally.

Tracking down the legitimate landlord can be harder than it sounds. "By the time these people have taken over the house," Wrice says, "they're like squatters; they've just moved in and nobody can find the owner." Sometimes the owner would rather not be found. Unable to bring a building to city standards, a landlord may abandon it, transferring the deed to a shadow corporation to avoid liability for the property. In some cases, it may take an experienced lawyer considerable effort to locate the legal

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owner of a crack house.

When it is possible, Wrice checks land and tax records to find out who owns the property. Once he has found the landlord, Wrice explains that the city can confiscate the house unless the crack dealers leave the property. This advice-*cum*-threat usually works. "When they hear that," he says, chuckling, "they're really ready to work with you."

Some owners don't require such encouragement; they are happy for Wrice's help. Wrice explains: "You can't collect rent from people on crack. They won't pay. When we do find the owners, 90 percent of them will say 'Please get them out so I can get somebody in there who will pay the rent.'"

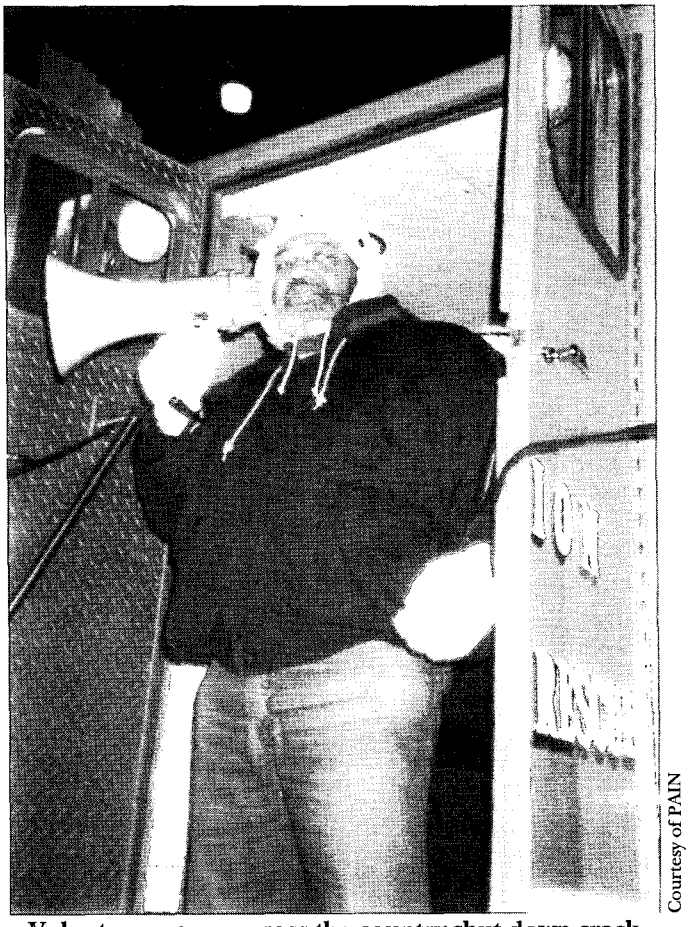
Wrice's assertive approach also has worked with telephone companies. In many cities, open-air drug markets flourish around pay phones. Dealers use the phones to receive orders from buyers. Buyers use the phones to call dealers on their pagers. Wrice has asked telephone companies in Philadelphia to replace their touch-tone pay units with older, rotary-dial models that are incompatible with pagers. Eliminating the phones, he reasons, will give dealers less incentive to loiter around street corners.

Scare the Judges

Occasionally, Wrice takes his confrontational tactics into the court room. "We can scare judges," he proclaims with some pride. During bail hearings for accused crack dealers, he says, "we're going to stand in court with our shirts and hats on and say 'you better make the bail a hundred thousand.' " Few accused dealers can post such high bond, which, explains Wrice, is exactly the point. "That's why they're still in jail," he says laughing. Other times, Wrice and his group simply stare at the judge in silence. "He gets the point. If he does that [gives low bail] a couple of times, we put it in our newsletter." In a city where judges are elected, a few members of Mantua Against Drugs assembled in a courtroom can add thousands of dollars to the price of bail.

Wrice contends that his bail-hearing performances aren't intimidation, simply community input. "We go to court to make sure the lawyer doesn't say 'you know Johnny wasn't selling drugs, Judge. He was framed by the cops.' " Because they often live in the very neighborhood in which the accused dealer was arrested, Wrice says that members of Mantua Against Drugs are qualified to dispute the lawyer's claim with first-hand observations. "He did have drugs on him," Wrice and his group counter. "He threw them in the bushes. In our bushes. We saw it. We're the neighbors and this little nut has been doing it for six or seven months." In the face of this chorus of angry neighbors, it doesn't take some judges long to raise bail. According to Wrice, his solutions "aren't always above board, but drug dealing isn't, either."

Herman Wrice's justification for his tactics can seem a little thin in places, but to those who live in drug-blighted neighborhoods, getting rid of the crack houses is justification enough. In Mantua, many crack houses are rowdy non-stop parties that cause extreme strains on their neighbors. Police are not always certain whether a residence is actually a crack house—that is, a place where drugs are sold—or simply a noisy house where drugs are



Courtesy of PAIN

Volunteer groups across the country shut down crack houses using Herman Wrice's techniques.

shared among friends. Such questions may bother civil libertarians, and hamper police departments, but they do not trouble Herman Wrice. "It not for us to prove it's a crack house," he says. "If the place disturbs the neighborhood, we'll go there."

The freedom to act without making fine distinctions is one of the reasons Wrice and his group have been effective. And it is the primary reason Mantua Against Drugs can act more quickly and decisively than police. Wrice puts it simply: "Cops need hard evidence to f*** with you. Neighbors don't."

Whether or not one agrees with his methods, Wrice has reason to be proud of the changes taking place in his part of Philadelphia. In 1989, two years after Mantua Against Drugs was founded, District 16, the section of Philadelphia in which Wrice's neighborhood is located, had the highest crime rate in the city. That year, police reported 1,644 serious felonies—including murder, rape, robbery, burglary and aggravated assault—in Mantua. With a population of just over 25,000, that's nearly one major felony for every 15 Mantua residents.

Four years later, in 1993, the number of major crimes reported had fallen by almost 40 percent, to 990. During the same period, the number of arrests for narcotics offenses in Mantua fell from 326 to 241.

Has Herman Wrice cleaned up Mantua? To some extent, the change may reflect a general trend in Philadelphia, where the number of many serious crimes re-

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ported fell during the same four years. The change may also reflect criminal saturation in Mantua. The neighborhood simply may not have been able to support any more burglars or car thieves. Violence and turf battles may have killed some criminals and pushed others out of the neighborhood.

Still, the number of serious crimes reported in Mantua declined at more than twice the rate of that in Philadelphia overall. It is not likely that demographic changes alone can explain such a precipitous drop in serious crimes, not when it takes place over only four years. Criminals in Mantua didn't just stop committing as many crimes. Something, or somebody, made them stop.

Weed and Seed

Statistics do not prove that Herman Wrice is responsible for Mantua's reduction in crime, but the federal government believes he had a lot to do with it. During the Bush Administration, the Department of Justice (DOJ) began sending Wrice to towns around the country to lecture citizens and police departments on fighting crack houses. Wrice has traveled to scores of small cities around the country under the auspices of DOJ's "Weed and Seed" program. One of these places is Taylor, Texas.

Located less than 40 miles up Route 79 from Austin, Taylor is a town of about 13,000 people, with a population almost evenly divided between blacks, whites and Hispanics. Until recently, Taylor had a crime problem. Many of Taylor's most serious offenses took place in a section of town south of the railroad tracks called the Line.

A long row of beer joints and honky tonks, the Line had been the scene of violence and drug dealing for more than 20 years. It was a hangout for local thugs, as well as a popular destination for soldiers on leave from Fort Hood. According to the chief of police, Fred Stansbury, the area was "an open drug market, a high violent crime and homicide area." Lieutenant Ed Dubec, who has been on the Taylor police force since the late-1960s, didn't believe anything would ever clean up the Line. "We could double up the force and go out there and work 24 hours a day," he says, "but nothing worked."

Then Herman Wrice came to Taylor. Wrice stayed for a few days in the spring of 1994, gave lectures to the police department and organized marches in the Line area. He left in April. By late August of the same year, says Chief Stansbury, violent crimes in the Line had been reduced by 90 percent. Serious crimes overall were down by 32 percent. One Friday night in August, police counted only three people on the street in the Line area. At the same spot four months before, Chief Stansbury remembers, there were "two or three hundred people, just hanging around, selling dope when the lights changed."

Many residents of Taylor reacted skeptically when Wrice first described his plans to clean up the Line. Officer Ed Dubec was among the doubters. "I just kept my mouth shut, but I just didn't believe it," he says. "I was 100 percent wrong, and I admit it. I've been at this department for over 25 years and I've never seen anything like this."

The plan was simple—with the protection of police, residents began marches like the ones organized by Wrice in Mantua. The effort enjoyed broad support. Taylor's mayor, its state representative, and members of the school board marched through the Line. So did various county officials. The marchers positioned themselves in front of bars and vacant lots where drugs were sold. Some brought cameras and took photographs of suspicious characters. Not surprisingly, it did not take long for loiterers in the area to leave. Ed Dubec says the marches taught him a simple but important lesson: "Most drug dealers don't want their pictures taken."

With the marches a regular event, the police department decided to close down the Line permanently. A seldom-used Texas law states that if a business is the site of three or more incidents of crime, the building may be declared a public nuisance, and closed for a year. During those 12 months, the owner of the business may neither lease nor rent his building. Nearly all the bars in the Line area met the law's criterion, having been the scenes of arrests for gambling, prostitution, aggravated assault, and narcotics offenses. The city of Taylor took several bar owners to civil court under the law and won. Upon losing in court, some of the owners decided to get out of the tavern business all together, or at least in the Line. As of the end of 1994, seven of the bars were scheduled to be torn down.

Next, the city attorney dug out musty zoning maps and found that businesses had existed in the Line area for half a century. With the state's approval, the city officially designated the area an "historical business district." Overnight, public consumption of alcohol in the Line became illegal, punishable by a $500 fine. Knots of young men no longer milled around on the sidewalks or sat in the back of pick-up trucks drinking beer. Fewer people on the streets meant less cover for drug dealers.

Finally, Taylor strengthened its existing building ordinances and passed others. The city further restricted unsafe buildings, and passed new health codes that forced owners to clean up vacant, weedy lots. Contrary to some expectations, the new laws were welcomed by residents of Taylor's poorer, predominantly black areas. "We got total support from the business community, civic groups and the NAACP," says Stansbury.

Much of the support came in the form of donations to the police department. Grateful for the reduction in crime, local businessmen and civic groups gave Stansbury's department computers, bicycles for patrols, and paid for the city's first canine unit. One organization refurbished Taylor's aging squad cars.

End of the Line

Four months after Herman Wrice came to Taylor, there were still drug dealers in eastern Texas. But there were far fewer in Taylor. That's fine with Chief Stansbury. "Drug dealers can always go somewhere else and sell it," he says. "Our motto is: 'There are a lot of other towns across this country they can go to other than Taylor.'"

Police in Taylor do not plan to eliminate drug dealing, not in their state, not even in the rest of their county. Nor do they spend much time dwelling on an abstract Crime Problem, or on America's moral decline. The police in Taylor, Texas hope only to move criminals past the city limits, out of their jurisdiction and beyond the reach of the citizens for whose safety they are responsible.

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Courtesy of PAIN

PAIN volunteers in Marion, Indiana, often spend the entire night outside crack houses, shaming the drug buyers away.

Herman Wrice believes the police in Taylor are doing the most any police department or neighborhood group can do—moving criminals somewhere else. Wrice happily admits that drug dealers who are expelled from one neighborhood often simply go to another. "We didn't say we were in the solving business," he says. "We know how to close a crack house. Suppose they open another one? We'll do it again." Life in drug-infested areas, he says, amounts to survival of the best organized.

MARION'S PAIN

Marion, Indiana doesn't seem like the kind of place that would have a crack problem. Aside from a General Motors plant and a state champion high school basketball team, there isn't much to set the town of 37,000 apart from dozens of other small cities across the Midwest. Police in Marion have a one-word answer to account for their town's struggle with crack cocaine: geography. Situated along Interstate 69 midway between Indianapolis and Fort Wayne, the city is a natural refueling stop for truckers. During the 1980s, it also became an inviting destination for drug dealers from Detroit, less than 250 miles up the interstate away.

To dealers, Marion's attraction was economic. While a rock of crack might sell for $5 to $10 in Detroit, the same amount of cocaine could command $30 in Marion. By the fall of 1992, the central part of the city supported 18 crack houses, all within an 11 by six-block area.

Less than two years later, Marion is not nearly as inviting to drug dealers. All but two of the city's crack houses have been closed. As in Taylor and Mantua, the clean-up began with a march organized by Herman Wrice.

Wrice came to Marion in the fall of 1992, on a trip financed by the Justice Department. By the time he left, the marchers he led had founded an organization, People Against Illegal Narcotics. To Marion's drug dealers, PAIN has been just that. The group's plan of action is familiar: After meeting first at a local church, the group sets out for a suspected crack house. The city provides transportation for the elderly and incapacitated. A throng of about 40 volunteers, often joined by local firemen, police officers, the mayor, sheriff and chief of police, loiters in front of the house, chanting slogans and glaring at would-be crack buyers. Members usually return on Friday and Saturday nights to stand in the darkness and watch the crack house. Volunteers bring lounge chairs and coffee. In the winter, they light fires in oil drums to keep warm. Local restaurants give the volunteers free food. The group stays during prime dealing hours, from dusk to one or two in the morning.

Norma Stone, a gravelly-voiced woman in her mid-50s, is the president of PAIN. On the subject of drugs, Stone is a zealot, and has reason to be. Her son has gone to prison on drug charges, and three of her sisters are addicts. Stone clearly enjoys the effect the presence of her group seems to have on drug dealers. "We just sit in their faces. As long as we sit, they can't make any money. We have a good time, but they have a miserable time." Over weeks, she says, the marches have a larger effect. "Buyers don't want to go into the houses for fear we'll stop by. We may pull up to a house and there will be 25 people standing around. But when they see our cars, they leave. We're like the welcoming committee. We welcome them out of town."

Dee Jones, a 24-year veteran of the Marion police department, says the marches have closed more drug houses than any approach he has seen. Says Jones, "By no means have we wiped out the crack problem in Marion, Indiana," he says. "But we've sure slowed it down a lot." Asked how an assembly of civilian volunteers, many of them middle-aged, most of them women, could scare hardened crackheads away from their source of drugs, he pauses. The answer, he says, is simple: "You're not going to go into a house to buy stuff that's illegal when you got a bunch of people out there watching you."

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Paranoid Reaction

While Herman Wrice focuses on community organization, other groups have been effective at exploiting the mind-bending affliction crack causes in chronic users: paranoia. And no group has manipulated crack users' fear more successfully than the Fairlawn Coalition in Washington, D.C.

A break-in at Ethelyn Hammond's house in the Fairlawn section of Anacostia in Washington was the catalyst for the group's beginning. The burglars entered by tearing a door off its hinges, and left with nearly everything in the house, some $20,000 worth of property. Hammond, a school teacher in her fifties, was frightened. It was the second time in a month burglars had torn apart Hammond's house.

Frustrated by the police department's indifference, Hammond turned to Edward Johnson, a neighbor and friend for 20 years, who offered to fix her shattered front door. As he and another neighbor worked, Johnson says he came to a realization. Fairlawn, which had once been a quiet, working-class neighborhood, was disintegrating. "We let these people stand on the corner and no one called the police until something happened. We were just as responsible as the police for letting these kids hang around the corner." Johnson decided to organize his neighbors to reclaim the area from thieves and drug dealers. Within days, Edward Johnson founded the Fairlawn Coalition.

PART GODFATHER, PART HIGH SCHOOL PRINCIPAL, HERMAN WRICE KEEPS HIS LITTLE PATCH OF PHILADELPHIA RUNNING SMOOTHLY. BUT MOST OF ALL, HE KEEPS IT ORGANIZED.

Candid Camera

Some of the most vigorous drug sales took place around the corner from Johnson's house, at the intersection of 17th and R Streets Southeast. It was here that the new group focused its initial efforts. Wearing safety orange baseball hats to distinguish themselves, the group spent its first evening standing among drug dealers on the corner. It didn't take long for the dealers to become confused and uncomfortable. After directing a few mildly hostile gestures at the marchers, they left. For the Orange Hats, as the group was soon dubbed, it was a victory. The next night, without protection or encouragement from the police, the marchers returned to their patrol. With few exceptions, they have been back every night since.

Within a short time, most of the drug dealers at the intersection of 17th and R moved on. Encouraged by their success, the Orange Hats bought two-way radios, gave themselves silly on-air handles such as "Big Foot," "Knee Cap," and "Papa Smurf," and organized regular meetings at Garden Memorial Presbyterian Church on Minnesota Avenue. The group also purchased a video recorder.

Orange Hats began placing the video camera on a tripod across the street from an open-air drug market. The effect was immediate. Drug dealers evaporated. Buyers avoided the corner. Reginald Jones, a former Washington crack dealer, says the group's electronic equipment made him so nervous he left the area when they arrived. "I didn't want to be anywhere near the Orange Hats. They just added to my paranoia." Another crack user seconds Jones's assessment: "I don't want to be near them because they've got radios and videocams."

James Foreman, one of the founders of the Orange Hats, agrees that the video camera, as well as the group's habit of recording the license numbers of suspicious cars in the area, scare drug dealers. What does the group do with the video tape and tag numbers? "Pretty much nothing," he says. Sometimes the cameras the group carries contain no film, only flash bulbs. "Sometimes we tape over the tape." Happily, many crack users and dealers have a different perception. According to Foreman, "they believe it's going to every intelligence agency in the world."

Even crack users who realize that members of the Fairlawn Coalition are not in constant contact with Interpol seek to avoid the group. Tony, a regular crack user who has run into the group more than once, explains. The Orange Hats, he says, "are trouble makers. You're on a mission. You want to get your stuff, get back into the house and get high. But you see them and they'll ruin your day. So you go around them." Tony admits that the marchers are not very intimidating. Most are "old women." Still, he says, "they're capable of ruining your day."

In fact, the marchers, nearly all of whom are retired and grandparents, must be among the least imposing citizens on the street in Anacostia at night. But, video recorders or not, the Orange Hats do wield one weapon even addicts fear—shame.

The fact that the Orange Hats are middle-aged and church-going works to their advantage. To teen-age crack dealers, watching the group march up to the corner on a Saturday night with bright hats and walkie-talkies is like having parents show up at a beer party in junior-high school; it spoils the mood. And in this case, the profits. The Orange Hats realize what the police often do not: Even drug dealers—especially drug dealers—have appearances to keep up.

Moral Power

Many neighbors believe that Fairlawn is, thanks to the Orange Hats, a safer place to live in than it was six years ago. Steve Kang works the cash register at the New Seven Market, a 24-hour grocery on the corner of 14th Street and Good Hope Road that his parents have owned nearly 10 years. Kang says the open drug markets that used to flourish outside his door have disappeared, and he credits the Fairlawn Coalition for the change. "Just by them being there, the drug dealers don't come out, or go somewhere else." Kang says he feels safer when he walks to his car at night.

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Mary Carr, 77, who lives close to Steve Kang's market, agrees that the Orange Hats have helped. Carr has lived on the street for 15 years, but several years ago was afraid to go outside. Now, the neighborhood "is safer than it was when I came here. Yes, indeed." Jasmine Nance, Mary Carr's neighbor says she is happy that the crowds of young men on the corner have gone. She often sees the Orange Hats on her way back from choir rehearsal, she says. "I think it really has helped."

J. Arthur Brown, an accountant who has owned a business on Good Hope Road since 1970, remembers well the drug dealers who once crowded the street outside his storefront. He contends the Orange Hats have made Fairlawn safer with moral force alone. "Even if the dealers were willing to face down the Orange Hats," Brown says, "their customers wouldn't want to face upstanding citizens."

TO TEEN-AGE CRACK DEALERS, WATCHING THE GROUP MARCH UP TO THE CORNER ON A SATURDAY NIGHT IS LIKE HAVE PARENTS SHOW UP AT A BEER PARTY IN JUNIOR-HIGH SCHOOL; IT SPOILS THE MOOD.

Like the marchers in Taylor and Marion, and Herman Wrice's group in Mantua, the Orange Hats have not changed the essential behavior of the drug dealers and users in their city. The dealers still sell crack, and the users continue to buy it. Yet, the group has changed the way drugs are sold and consumed in Fairlawn. Its presence has forced the drug trade underground, where it has less opportunity to harm those who choose to stay away from it. The neighborhood has become safer for ordinary citizens as a result. A member of the Orange Hats puts it this way: "You can use all you want in your own home," he says. "But don't terrorize somebody else's neighborhood." Such was the goal of the Fairlawn Coalition when it was founded, and by that measure it has succeeded.

Neighbors Always Win

Not all crack houses crumble under the same type of pressure. And not all neighborhood groups are capable of bringing the same pressures to bear on crack houses. It is as hard to imagine the elderly members of the Fairlawn Coalition using Herman Wrice's strong-arm tactics as it is to imagine Herman Wrice patiently waiting in civil court to evict crack dealers. Yet every successful citizens' group has at least one thing in common—a willingness to assume responsibility for the safety of its own neighborhood. When drug dealers collide with enraged neighbors, the enraged neighbors nearly always win. Which makes sense—the neighbors have more to lose.

Citizens hoping to drive crack houses from their neighborhoods can follow either example—taking landlords to court under civil law or marching in front of suspected crack houses—or both. The response a group adopts will depend both on its membership and the neighborhood in which it works. Either way, before taking on a crack house, neighbors must first organize into a distinct body. Some groups may wish to coalesce around existing forms of local government, such as block committees. Others may choose to form separate anti-drug organizations, like Mantua Against Drugs. Once formed, a group of citizens should contact its local police precinct. Collaboration with the police is not a requirement for success; the Orange Hats thrive in a city whose department is barely able to keep its squad cars running, much less spare time for a citizen's group. When it is possible, however, having police actively involved in can only help a citizens' organization fight crack houses.

Even the most responsive police departments may need pressure from citizens to help close down crack houses. Nothing brings such pressure more quickly than exposure in the media. By 1989, the neighborhood surrounding Othello Park in Seattle had become a thriving crack market. Though there was a station house less than a mile away, local police did little to stop dealers from selling drugs openly. A neighbor describes the activity in front of one crack house, which was run by members of the Crips gang, as "like the drive up window at Jack-in-the-Box." Prostitutes brazenly solicited customers in the park. There were drive-by shootings, and at least one gun battle with automatic weapons.

One Saturday night that year, Mike Siegel, a Seattle talk show host, drove to Othello Park to see the drug dealing. Siegel and several friends went to the home of Ken and Donna Williams, next-door neighbors to the areas most notorious crack house. Hiding behind a curtain in a upstairs bedroom, Siegel observed the crack house in operation. He spoke into a microphone as he watched, recording his observations.

Siegel described deals taking place on the sidewalk, addicts carrying televisions and VCRs to barter for drugs, drivers stopping out front just long enough to exchange bills for vials of crack.

On Monday, Siegel played the tape on his radio show. He also gave the address of the crack house. Within a day, the Seattle police raided the house. Buoyed by police involvement, neighbors organized to clean up the area. Nearly six years later, there is little open drug dealing in the neighborhood around Othello Park.

Baltimore lawyer Michael Sarbanes, who has seen some communities successfully expel drug dealers and others sink deeper into chaos, says it is easy to tell which neighborhoods will recover. "If there are five people who will stick together," he says, "it's just a matter of time before that block is clean." ☎

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Prodigal Dad

How We Bring Fathers Home to Their Children

Charles Augustus Ballard

I see a lot of angry kids in my work, but none can match the anger of a boy I knew years ago. He was the second-youngest of six children; his mother was a housewife, his father, a coal miner. He lived in a cinder-block house about a block and a half from the mouth of the mine. As a child, no more than three years old, he used to wait for his father to come up from the mine after his shift.

Then one day, his father was gone. His long bouts of illness had grown worse, and he was taken away to a mental institution, an asylum. The shame at that sort of thing was strong in those days. The little boy was never told where his father went, and he never saw him again.

Without his father around, that boy's life got a lot harder. He used to go into the woods and throw rocks into a pond. Some days, he pretended the rocks he threw were aimed at his father.

When the boy grew up, he left school before he graduated, and fathered a child with a girl he had no intention of marrying. To run away, he joined the Army, but he got into trouble and ended up in prison. That angry young man is someone I knew well, because that man is who Charles Augustus Ballard used to be.

Today, I pass many angry young men on the street. Many of them have children, but few have families. Few share a home with their sons and daughters and their childrens' mothers. As a society, our approach toward these invisible fathers is a mix of anger and indifference: We're ready to condemn them for their flight from responsibility, and pursue them for child support. Otherwise, we look right through them.

For 12 years, I've been helping these fathers.

Invisible Men

Twelve years ago, in the heart of Cleveland's Hough neighborhood, I founded The National Institute For Responsible Fatherhood and Family Development. Today there are few other program aimed first and foremost at helping fathers find their way back into their children's lives. In a social service universe of trillions of dollars and overlapping and interlocking programs at the local, state, and federal level, I'm still astonished at how few programs aim to connect fathers and children.

The vast majority of assistance programs, public and private, ranging from social services to support payments, are aimed at young mothers. At best, fathers are irrelevant; invisible men, drifting in and out of their children's lives. At worst, fathers are a presence that can disqualify a mother for government benefits. Fathers, teen fathers especially, get the message: They are a problem—an obstacle in the path of a system built to help single mothers cope.

I sometimes wonder whether any of us appreciate the radical experiment we are conducting in the inner-cities of America. In all of history we have never seen a stable society without fathers. Yet just such a society seems to be the aim of our social policy.

See Who Survives

To me, the father isn't the problem. He's the solution.

Look at the social pathologies that plague us today: drug abuse, homicide, gang violence, crime. Now survey the youth who fall prey to any or all of those calamities, and ask them where their father was when their lives took a turn for the worse. Or visit our prisons and ask the men locked up what role their father played in their lives. You'll find too many say, "no role at all." Look at the survivors, the success stories who come up through the poorest neighborhoods in this nation. Often the single difference that sets them apart is the presence of a father in the home.

Even in a city's poorest neighborhoods, you can see a difference from one street to the next when the fathers are home. On the street where you see a father out playing catch with his son, another mowing his lawn, and one fixing a screen window, you'll see a safer street. That street will see less crime and fewer 911 calls. That street won't have a crack house on the corner or a stripped car at the curb.

Most important, chances are that having a father in the family means children won't have children of their own.

I learned that almost 20 years ago, when I was working as a social worker in a hospital in inner-city Cleveland. Every day, I saw young women—many of them still teenagers—struggling to cope with their newborns. Many

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already had several children.

The more I looked, the more I noticed there was rarely a father in sight. So, while it had nothing whatsoever to do with my job at the time, I began to ask the women where were the fathers? In the hallways of the hospital, on the city bus to and from work, wherever I saw a woman on her own with a baby, I asked the question. To my surprise, many of the women told me their stories. In time, I had undertaken an informal sociological survey into the causes and the consequences of fatherlessness.

Sometimes, the mothers even gave me the names and addresses of absentee fathers. I knocked on doors and talked to the men I saw on the street corners. Once I went up to a group of teenage boys on a playground. After we talked for a while I asked them how many of them had children. The hand of almost every boy went up. Then I asked, "Okay, now, how many of you are fathers?" And the hands wavered and fell.

Since then, I've learned all the statistics. That in 1950 only 9 percent of homes were headed by females. Last year, in the Hough neighborhood around my center, two out of three children were born out of wedlock. If we don't find a way to reverse the trend, that number will grow to 85 or 90 percent by the year 2000.

But I don't need statistics to know how many fatherless boys wind up on dope, in gangs, in jail, or in the morgue. Or how many fatherless boys end up fathers themselves, extending their legacy of hopelessness to a new generation.

Teaching Fatherhood

Where do you start, teaching a boy to be a father, a boy who never had one, who never knew his father's name?

My organization has a very specific goal: teaching men to be fathers. I don't waste my energy running down the social service system, but I also see no value in mimicking failure. Our center and the social service system are coming at the problem from two different directions. The system will give you a welfare card, a health card, and food stamps; it will give you a place in a shelter or an apartment in the projects.

But the system only treats symptoms. We're trying to do something different. We can't give you food stamps or a card for the free clinic or an AFDC check twice a month. We work at one thing: Giving children their fathers.

We call the young fathers and mothers we help through our program "proteges." It's a word many of the teens we help have never heard; more than once, I've pushed a dictionary across my desk to let someone look it up. *Webster's* says a protege is a man under the care and protection of an influential person. But the word also means a man who is being groomed as an heir; a protege is a man with a mission in life.

I was a protege myself, once—back when I was in prison, although I didn't know it at the time. There was an older prisoner in my cell block, a man who spent his day turning the pages of the Bible. For a long time, he kept his distance, steering clear of the young hothead who challenged guards and got in fights. But after one episode, he came across the cell, sat down next to me and began reading the Bible.

Before long, I was the one with the Book. One day, I

photo courtesy of Charles Ballard

Charles Ballard: "To me, the father isn't the problem. He's the solution."

came across the verse in Malichi: "...and he shall turn the hearts of the fathers to their children—and the heart of the children to their father." I thought of my own son, and I formed the idea that when I got out of prison I would find him.

When that day finally came, my boy was five-and-a-half and I hardly knew him. He was already twice as old as I had been when I saw my own father for the last time. His mother had married, had two children with her husband. She had a new life of her own; eventually, when she saw I was serious, she agreed to let me adopt my son.

My life with my son wasn't like the fairy tales where people "live happily ever after." There were times when I had no idea what to do. Many times, my only refuge was the knowledge that for all my faults as a father, I was better than nothing.

I took work where I could find it, as a busboy, as a dishwasher and later in a laundromat, near a college called Okayed in Huntsville, Alabama. It was at the laundromat one day that Mrs. Edwards, a woman who was the registrar at the college and often talked to me as she did her wash, said to me: "You're bright enough. Why aren't you a student?" It was a question I couldn't answer. I enrolled. It took me six years, but I got my degree.

The night I graduated, some of our professors held a dinner for me and a few of my fellow students. I was feeling quite pleased with myself. After all, how many of them had survived prison, held down a job, raised a son, and worked their way through college the way I had? I was busy patting myself on the back about how far I'd come in six year's time.

I was reminiscing about my many accomplishments, when one of my professors broke in. "Yes, Charles, but where do you see yourself 10 years from now?"

That's a question we ask often in our program. It is critical to get a protege to look forward, both for himself and for his children. We call it future pacing, a fancy name

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I'd never use when talking to a young father. We walk out 5 to 10 years, and work backward. In the files we keep for each of our proteges, we chart one year objectives, and break those down to 90-day plans.

The average age of the fathers in our program is 17. Some of them are referred to our center by the county social services office. Some hear about us off the grapevine or from a neighbor. Some come in because a sister or a grandmother has been pestering them to come in. But however they find us, when they come to our center they are treated with respect. Even the youngest teen parent is called Mr., Mrs., or Ms.; I don't wait to see how others treat me: I show respect to others, and that tells them I expect respect for myself.

These kids come in needing all kinds of help, and following up with them and their families is a big job. Being on our staff requires stamina and self-motivation; no one here knows what a 40-hour work-week looks like.

Most of the time our staff is out visiting proteges homes; they spend long days on the road doing home visits. Sometimes they find an empty house or apartment; a child gets sick, and the parent doesn't have a phone to call and cancel. Sometimes we get referred to another relative who may be keeping the children. On Tuesday and Thursday nights we hold separate group sessions for fathers and mothers; once a month we have a combined group session for both parents. Seeing couples working together, agreeing together,often for the first time, is very gratifying.

No Hand Holding

We think about living in poverty as living in deprivation, and it is. But what people may not see is that for all the comforts that it lacks, poverty offers young men one thing in abundance: absolute freedom. The young men I meet with can get up at 2 o'clock in the afternoon, they

IN ALL OF HISTORY WE HAVE NEVER SEEN A STABLE SOCIETY WITHOUT FATHERS. YET JUST SUCH A SOCIETY SEEMS TO BE THE AIM OF OUR SOCIAL POLICY.

can stay out all night, they can disappear for days. No one can tell them where to be, whom to see, what not to do. In their world, planning ahead is measured in minutes, subject to change at any moment.

What passes for responsibility is often a notion twisted beyond any recognizable meaning of the word. I talked to one 16-year old boy in our program, a boy who was a gang member and a drug dealer when he came to us, about what crossed his mind when he heard his girlfriend had given birth to his daughter. First, he said he'd make a quick visit to the hospital, then he needed to get out on the corner and "take care of business"—sell more cocaine, to make sure he had the money to buy his baby nice clothes—and enough left over to have his fun.

That's what I have to break through. I ask these boys who have no idea where they'll be tonight, "Where will you be in 5 years, in 10 years? Tell me where you'll be, anything, anywhere at all. But wait a minute: You have a child, right? So make sure you tell me, whatever you're doing, how it will let you care for your child."

To help these kids turn their lives around, I concentrate on four things:

First, I talk to them about "legitimating" their children—taking the legal steps necessary to add their name

WE'RE READY TO CONDEMN INVISIBLE FATHERS FOR THEIR FLIGHT FROM RESPONSIBILITY, AND PURSUE THEM FOR CHILD SUPPORT. OTHERWISE, WE LOOK RIGHT THROUGH THEM.

to their child's birth certificate; to give their child a father in the name of the law.

Second, I talk to them about staying in school or, if they've dropped out, about going back for a GED.

Third, I ask them to get a job. Not a great job, not the kind they will necessarily want to make a career—just a job that requires them to get to work on time and gives them the satisfaction of earning a paycheck, and of contributing to the care of their child.

Fourth, I ask them to decrease their at-risk behavior—whether it's drug or alcohol abuse, or unprotected sex. I keep them focused on the well-being of their child, and how they can't help their children if they hurt themselves.

None of what we do at the National Institute is handholding. Most of it is simply helping these young men do what they've already decided to do, a decision that wells up from the heart long before it reaches the head. If you talk to them, and if you listen carefully, you don't have to deliver a lecture. You see that they know where they went wrong, and how they can get back on track.

Listen, Don't Tell

We don't do anything to make it easy for these kids to get their lives together. We don't bundle them onto a bus to take them down to the county courthouse to find the clerk in charge of birth certificates, or to the Board of Education to get copies of their school transcripts. We don't even hand them a slip of paper with the phone numbers they need. We talk to them, get them to think out loud about this thing they say they want to do, and how they can get it done.

There's a reason we do things this way. The young men I deal with are used to being acted on, always being told how to live their lives. What I tell my staff is that we must be the ones who listen rather than tell, who ask rather than answer. If we believe that every individual has the potential to control his life, then we must treat each person with respect.

If I hear the young father in front of me mention school, or that his lack of education is holding him back,

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I jump in. If he tells me he doesn't know how to get back into school, I suggest that maybe he should go back to his school, find a teacher he liked, talk to the principal or his counselor or a coach. I ask him: "What do you think they'll do if you tell them you want to finish school? They'll have a number to call, or the right form to fill out."

While we make it a practice not to spoon-feed our proteges, we do follow up. I can guarantee the next time I set eyes on that young man who's thinking about going back to school, my first question will be: "When is your first GED class to be held? If you don't know, when will you find out?" If he tells me it might take him a month, I will talk with him about where his school is, how long he thinks it would take to stop in and get his information—and I will be sure to ask him at length and in detail about these other things he's made a priority over his desire to finish school, and that have made it impossible for him to find time to visit his old school for a whole month.

But even while I am questioning that young man, I always follow my own rules. I never tell anyone what to do. And I never do anything a person can do for himself.

There's a practical reason for that: Later on, when school gets difficult, or when sitting in an evening GED class is the last place one of our proteges wants to be, I don't want to be blamed. I want to be able to ask: Why? You told me school mattered. What's made school less important?

Is there a faster way? Of course there is. I could post a phone number on the wall for the county office where birth certificates are filed; I could schedule GED sessions after hours in our offices.

I don't care about the fastest way. I don't care about the way I'd do it, if I were them. I was them, once. I stumbled, I ran into a few dead ends, I wandered for years, but eventually I found my way. I got there. I want them to get there, too. On their own, with our support allowing them to fall, then get back up an try again.

Caged Birds Sing

Every Wednesday, I meet with a group of young men who can't come down to our office in Hough. We meet

I NEVER TELL ANYONE WHAT TO DO. AND I NEVER DO ANYTHING A PERSON CAN DO FOR HIMSELF.

on the second floor of the Detention Center, me in my suit and tie, the young men in blue prison-issue smocks.

These are young men with hair-trigger tempers. Pass them on the street, and even the way you look at them can give offense. The way you touch them can cost you your life. But when I enter that room at the jail, we shake hands. When I sit next to them in our circle, in the midst of our conversation, I sometimes find myself placing my hand on the shoulder of the boy next to me. Not one has ever shrugged it off.

We don't sit down with a specific topic in mind, or some big issue to wrestle with. Mostly we talk about what got them put in prison and how they can stay out. It's on their minds; in prison you don't have a lot of other things to think about. We talk about life on the outside, the code of the street, the rules of respect and revenge that are all that are real to these young men.

Once we start the discussion, these young men are anything but sullen. They talk, they disagree. One youth, especially, seems to welcome poking holes in the things

WE CAN'T GIVE YOU FOOD STAMPS OR A CARD FOR THE FREE CLINIC OR AN AFDC CHECK TWICE A MONTH. WE WORK AT ONE THING: GIVING CHILDREN A FATHER.

the others say. He's letting me know that whatever I'm about, he doesn't take it seriously.

I ask the group why they think we get so hung up on what someone says that we have to react.

Across the room a boy responds.

"If I want to stay out, I got to walk away."

What he says hangs in the air. No one in the circle is eager to endorse this strategy. Where they come from, men don't walk away.

"What if they diss your mother? You just walk away then?"

The boy across the circle answers. "Do he know my mother? If he don't know my mother, then what he say don't hurt her."

"Then your mother going to hear a whole lot of trash."

"What would your mother say?" asks the boy across the circle, leaning forward. "Would she say, 'yeah boy, step up—go and take him out?'"

"No."

"Your mother going to tell you to walk away. Don't bring trouble."

"Then everyone be talking about your momma."

"So you going to take them all out? This one, that one?"

He sprawls back in his seat.

"Man, you going to be busy."

I have my own question.

"What if your mother was in Japan, and she couldn't even hear what the boy said about her."

Although the boy is sitting right next to me, he swivels his chair on the linoleum floor so that he's facing me.

"I still do what I had to do."

"Why?"

"To respect my mother."

"But she wouldn't know. She's in Japan. Did she hear what the boy said about her?"

"No."

"Did she hear any rumor? Did some Japanese person come tell her on the street?"

"No."

"You worried someone would call Japan and tell her?"

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"No," he laughs and shakes his head.

"So if you go after him and take him out, who are you doing it for?"

Silence.

"For her—or for you?"

Silence.

"Is this about your mother? Or is it about you?"

"I'm not messing with you, man." With the wave of his hands, he turns his plastic chair away from me and back toward the circle, and slumps back, defeated. "You've got all the answers."

He's wrong. In our entire conversation, I never told him anything. What I did was ask him things, question after question. The answers he hears in his head are his own. As he sits in his cell, as we meet every Wednesday morning, he'll hear those answers, over and over. Until one day, for the first time, he'll decide on a course of action different from the life that put him behind bars.

Offering Honesty

Near the end of our session, around the circle, each young man asserts he will never again see the inside of a jail. To my left, a sleepy looking young man, totally silent through all our discussion, suddenly speaks up. "I will try not to be back. No one can say they won't."

This young man, this boy who is 17, has just said something important. He is offering me his honesty.

"What if you decide not to come back?" I ask. Again, in a quiet, even tone, but just as emphatic: "I will try not to."

He does not look at me as he speaks, but into the eyes of the other boys who claim to be so confident this prison term is their last.

"Is there anyone who can help you stay out? What about your daughter?"

The question catches him by surprise.

"She's only two."

"Okay, so let's say it's 10 years from now. She's 12. What will she say, 10 years from now, when she's in school and they go around the class and ask every child, 'Who is your father, what can you tell us about him?'"

Suddenly, he sees his daughter, no longer a baby but 12 years old, standing up beside her seat, facing the teacher at the front of the room.

"Responsible." One word, thrown out into the circle of boys in prison smocks.

"Will she really say that? 'My dad's responsible'"?

"No." Silence. "She'll just say that I take care of her. She'll say that I have a job, that I'm there to do things with her."

He and I both know there's one thing he can't bear to hear his daughter say. "My father? He's in prison."

What's true for that young man is true for every father—certainly for the 2,000 fathers we've seen at the National Institute. Whether the young fathers I meet with are in prison or out, the key to changing their lives is through their children.

Over the years, as I ask teen fathers to plan five and ten years ahead, I've learned not to worry about what they say they want. I had one young man, a drop-out, with no job, two young daughters and a string of girlfriends, who was quite certain he would own—not just work in—not just one, but a chain of hair salons. The whole thing seemed wildly improbable to me, and I had to work hard not to tell him so. But he got his GED, he got a job in a salon, he gained custody of his daughters, and he is working his way, methodically, to managing the shop he's in and one day owning a shop of his own. He recently invited me to attend his wedding.

Building Dads

Building fathers is what we've been about at the National Institute for Responsible Fatherhood for 12 years now. In the next year, our National Institute for Responsible Fatherhood—which up to now, has been National in name only—is preparing to open new centers in seven cities. Ten years from now, I'd like to see proteges running programs in every city in this country.

Does what we're doing work? It does, according to a study by Case Western Reserve University in June 1993.

- Before entering the program, only 14 percent of our young male parents had 12 years of education. By the time they left—about one year later—38.5 percent had completed 12 years of education. And they stayed on course: eight years after our program, 70 percent of our former proteges had completed 12 years of school.
- Prior to the program, 74.2 percent were unemployed. By the end of the program, unemployment was down 10 percent. By our eighth year, however, 62.3 percent of our former proteges are working full-time and another 11.7 percent have part-time jobs.
- At the time they enter the program, only 8 percent of our proteges had acknowledged their children as their own. In a year, 84.4 percent had legitimized their children. And since then, 75 percent have had no additional children out of wedlock; 97 percent now provide financial support for two or more dependents—when nationwide, just one in five never-married men pay child support.
- Perhaps the biggest surprise at all for those of us who spend each day talking with proteges about going back to 11th grade or getting that GED—11.5 percent of our past proteges have completed at least one year of college.

Don't Remember Me

I'm proud of our program, and of all our proteges who have made it work. It may sound strange, but I don't want to be remembered by the young men I help. I can't help them if I'm so big that the focus is on me. I want them to see through me to their family. To see through me to the things that matter in life. To marry the mother of their children, if that's right; to be civil and respectful, and to do right by their children.

Always.

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A Pension Deficit Disorder

Teacher Unions Betray Their Members

Stephen Glass

This year the largest number of teachers ever will become eligible for retirement. They're the lucky ones.

With the help of teachers' unions, many of these instructors have won high salaries, small class sizes and seemingly generous retirement plans. Unions have fought long and hard for teacher benefits, and have emerged as the most important political advocate for the interests of public educators. That's why the vast majority of teachers join unions and pay steep annual dues. Aggressive lobbyists like the National Education Association don't deliver on the cheap.

However, when it comes to one of the most significant teacher benefits—employee pensions—the unions' performance is a matrix of betrayal. Unions have crafted a pension system that stymies teachers' career advancement. By penalizing educators who change districts, instructors and their families are forced to give up job opportunities and stay put, or jeopardize their retirement security.

Just ask John Kahle.

Kahle landed his first job in Overland Park, Kansas where for three and one-half years he taught writing to high school and junior high students. Like many teachers, the young instructor decided he needed to complete more graduate work to excel. He enrolled in a master's program in Nebraska and resumed teaching in Lincoln.

But shortly after his move, Kahle discovered that his pension wasn't portable: he lost all the money put in by the state, and some of the money he put in himself. One year later, Kahle's wife was accepted into the graduate history program at the University of Minnesota. Kahle now teaches seventh-grade English at Eden Prairie Central Middle School and once again he lost some of his pension when his family moved north.

"The inability to take my pension with me has been one of the most frustrating parts of being a teacher," Kahle added."Teachers can feel trapped in a specific location since they lose if they move."

Or ask Clementina Duron, a principal in one of Oakland's roughest Latino neighborhoods.

After nearly a decade working in the public school system, Duron had a dream of starting a new school that would provide more educational opportunity for Latino students. So when the California legislature paved the way last year for publicly funded independent schools, called charter schools, Duron was one of the first to sign up.

In the year that has followed, Duron has jumped through countless hoops to get the 120-student Jingletown Middle School off the ground. Without any startup capital she has leased a school building, hired maintenance staff, developed a curriculum, and even has a waiting list of more than 30 students.

But Duron can't hire teachers from public schools.

It's not that she doesn't pay them well enough: The payscale surpasses the Oakland public school system. Nor are the medical benefits inferior: Jingletown's teachers have the same health plan as their public school counterparts.

According to Duron, non-portable pensions have been the silent obstacle to educational reform.

"I interview teachers who want to come here and we want to have, but pensions stop them, "Duron said, adding that the teachers prefer Jingletown's smaller class size and focus on academic basics. "It's hard to have any incentive when they will lose their pension."

These stories illustrate how pension systems have indentured educators by trapping them in jobs they don't want. Teachers' unions use pension politics to increase their own institutional power at their members' expense. In particular, this year teachers' unions demanded more representation on pension boards and increased social investing—despite their proven downward effect on investment yields. Moreover, the unions have vowed to fight all efforts to reform pension policies that would both increase mobility and eliminate underfunding.

Stagnant Professionals

Like doctors and lawyers, teachers consider themselves professionals, educated men and women who possess a universally applicable skill. An algebra instructor in Oregon would have no difficulty teaching the quadratic formula in Alabama. But unlike their professional counterparts, teachers cannot take advantage of a fluctuating market if they want to keep their nest egg intact: They are unable to move from state to state and in some cases from a city to the suburbs. Teachers' unions have

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successfully lobbied all 50 state legislatures to create complex pension systems that severely punish mobility.

The typical teacher accumulates a pension over a 25- to 35-year period, as the teacher and the district/state jointly contribute to the statewide retirement system. Nearly all teacher retirement plans are defined-benefit

UNLIKE OTHER PROFESSIONALS, TEACHERS ARE UNABLE TO TAKE ADVANTAGE OF A FLUCTUATING MARKET BY MOVING FROM STATE TO STATE, OR IN SOME CASES, FROM THE CITY TO THE SUBURBS.

systems where teachers are guaranteed a specific annual pension calculated as a percentage of their final salary. The state invests the contributions in order to pay future benefits.

The state/district contribution forms the bulk of teacher pensions; on average, the teacher contribution is about 6.5 percent of his annual salary, while the state typically contributes 12 to 13 percent, with some contributing more than 19 percent every year. Teachers are always entitled to their own contribution, but they can only receive the much larger state portion once they have become "vested," which requires working in the system for a specific number of years. Therefore, in order to safeguard themselves from losing the lion's share of their pension, teachers must remain in the same region until they are vested. In the private sector employees never have to wait more than five years to be fully vested, but state legislators have set longer waiting periods for teachers. Twenty states require teachers to work for 10 years before vesting and West Virginia requires teachers to work for 20 years before being vested in the system. In fact, only five states require less than the five year ceiling found in the private sector.

In addition to elevated vesting ages, almost all state programs have been constructed as "cliff vesting" systems, in which employees cannot receive any of the state contribution until they have worked the stipulated number of years. In the private sector, on the other hand, many pension programs are graduated, allowing non-vested employees to receive a portion of the employer contribution.

Worse than the Private Sector

Also unlike the private sector, vesting requirements don't protect teachers. Teachers who move are penalized by the states if they don't work in the system for a specific number of years.

Consider a typical case: A teacher takes an out-of-state teaching job after working for 16 years in New York state—six years after being vested. This teacher is four years short of the 20-years-of-service level required for retirement. While the state must pay this instructor a pension at age 60, along with other vested teachers, it penalizes the teacher five percent per year for each year short of 20 years. Hence, the teacher's pension is reduced by 20 percent.

"Simply stated, teachers who change systems experience a significant drop in their pension," says Bruce Cooper, a Fordham University professor of education.

A study published by Carnegie Forum on Education and the Economy, found that teachers who spend 20 years with one employer and then 15 years with another earn only 70 percent of the pension benefits that they would have earned had they remained with a single employer.

Teachers' unions—the supposed protector of the nation's educators—are the chief culprit in enslaving their own constituency. While the unions were extremely effective in starting pension programs decades ago, in recent years they have focused on advancing their own interests at the expense of the instructors.

Simple Reform

There is a simple pension reform that would permit teachers to move between districts, whether for family reasons or in search of greater opportunity. It is called a defined-contribution system.

Under this system, increasingly common in the private sector, teachers would each have their own, completely portable, pension accounts. When they retired, their pensions would consist of the states' and their own contributions plus the rate of return on their investments.

DEFINED-CONTRIBUTION SYSTEMS WOULD ALLOW TEACHERS TO MOVE WITHOUT PENALTIES AND GIVE INDIVIDUALS MORE CONTROL OVER THEIR PENSIONS.

Michigan's Governor John Engler converted state employees, including teachers, from a defined-benefit to a defined-contribution system last year. Maine has also begun a defined-contribution system for new teachers.

In addition to their portability, defined-contribution plans offer enormous advantages for teachers. Teacher pension plans in 35 states and the District of Columbia are seriously underfunded—with promised benefits exceeding expected assets by a total of $63.4 billion. Only 38 percent of Maine's pension promises are funded, only 33 percent of Indiana's, only 9 percent of West Virginia's. The Oklahoma Teacher Retirement System is projected to run out of money in the 2015, leaving $800 million a year in unfunded obligations. The Oklahoma state legislature will then be confronted with two options: Raise taxes about $1,000 a year per family, or welch on their

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promise to retired teachers. The latter seems more likely.

A defined-contribution plan gives the teacher greater certainty, because pension security does not depend on future tax increases. Moreover, because each teacher owns his retirement assets, a defined-contribution system can prevent pension funds from being raided by state legislatures for non-investment purposes.

Teachers' unions, however, are staunchly opposed to defined-contribution plans. The Michigan Education Association fought Governor Engler tooth and nail over his pension reform. "The unions wanted control and the new system also allows teachers to more readily move," Engler's press secretary John Truscott said. "The MEA tried everything to stop us." At its latest conference, the American Federation of Teachers endorsed a resolution calling for "stringent measures" to battle defined-contribution plans.

Photofest

Teachers' unions use the pension system to keep education mired in the past by preventing their members from changing jobs.

More Union Power, But Losing Money

Why this resistance? One reason may be that control of retirement funds gives teachers' unions phenomenal financial power. Teacher pension assets now total $342 billion, an enormous pool of capital, and the unions go to great pains to ensure that their allies make investment decisions, even if it means jeopardizing the retirement income of their own members..

Consider Resolution 23, recently endorsed by the AFT's Retirement Issues Committee, which called for action against state legislatures which demand that pension fund trustees have some financial knowledge. Currently, many of the systems' board members are retired and active teachers which are often selected by the union. But, the Retirement Issues Committee resolved that efforts to set minimum qualifications for trustees, in order to ensure pension fund investments are decided according to established principles, are "unacceptable pre-conditions." The unions prefer to increase the number of teachers on pension fund boards and control which teachers will fill these positions.

Greater union involvement on pension fund boards is harmful to teachers. Olivia Mitchell, a professor of risk management at the University of Pennsylvania's Wharton School, determined that low funding levels were correlated to increased employee representation on public pension system boards.

In a study of 168 public employee retirement systems, Mitchell found that raising the number of employees on pension fund boards by 10 percent lowers investment yield by 2 percentage points. Currently the average teacher pension board consists of ten members, six of whom are teachers. Therefore increasing the board by only one member will result in investment returns dropping from an average of between seven and eight percent to between five and six percent.

For instance, in 1993, Mississippi unions lobbied the state legislature to add another teacher to the Public Employees' Retirement System, bringing the total number of members to ten. Mississippi PERS, with assets of about $5.8 billion averages about an eight percent return on its investments annually. Thanks to the new teacher on the PERS board, according to Prof. Mitchell's calculations, the Mississippi pension fund is likely to make $116 million less per year on its investments.

Pension Risked to Stop Reform

Teachers' unions are now using their control of pension funds to try to deny capital to companies competing with public education. At its 1994 convention, the National Education Association adopted a resolution calling on state chapters to lobby retirement systems to divest from corporations that support the commercialization or privatization of public schools.

Simply stated, the NEA has risked its members retirement benefits in a political battle against educational reform.

In some cases, the union-dominated pension funds lose money because they make investments for political reasons. During the late 1980s, the Kansas Public Employees' Retirement System, which includes the state's teachers, invested heavily in a number of Kansas-based companies in the hopes that it would keep jobs in the state. Among those investments was a savings and loan association which later failed and left the fund with a loss of $65 million and a coal company which filed for bankruptcy. In total, KPERS has written off $200 million in investments targeted for political reasons.

Union officials insist that pension plans are in excellent fiscal shape. Even so, at the NEA's 1993 Retirement and Benefits Forum in South Carolina, a budget specialist

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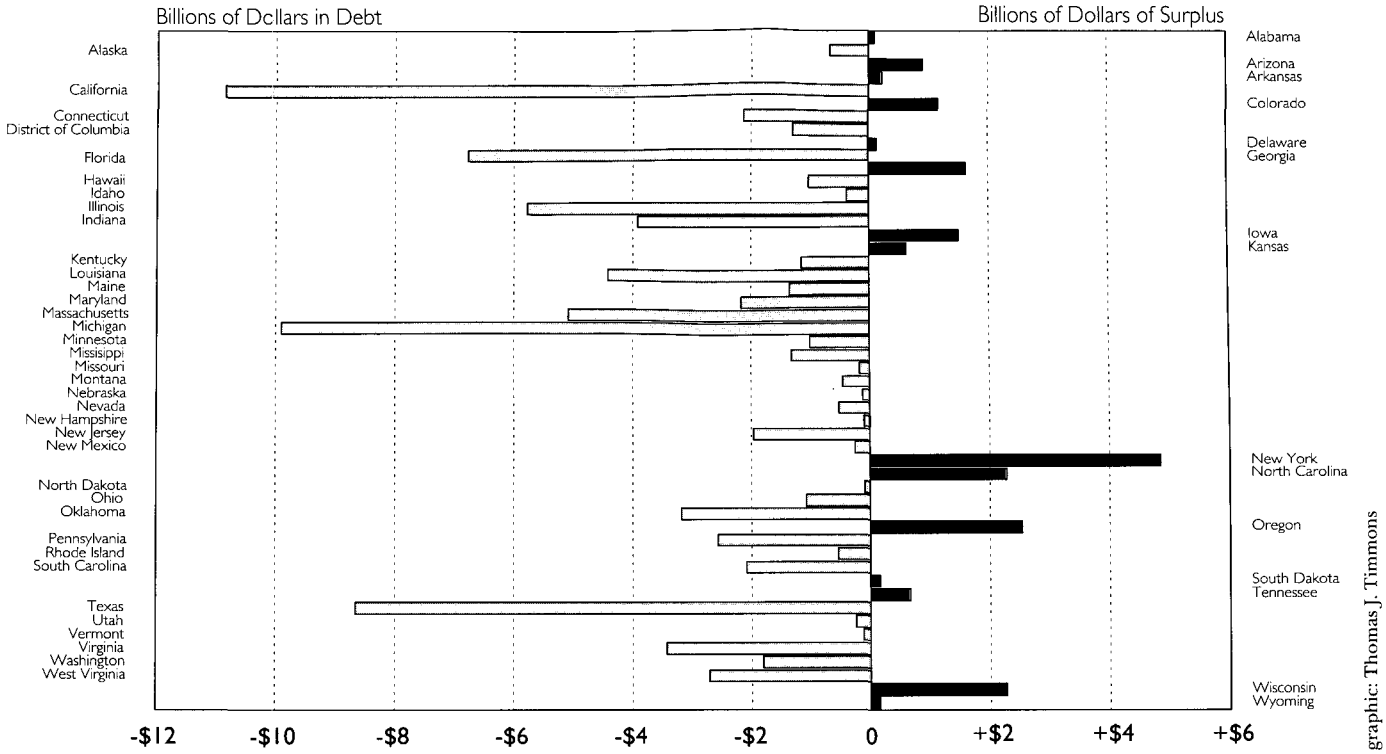
Liabilities Outstrip Expected Assets in Nearly Two-Thirds of Teacher Pension Plans



graphic: Thomas J. Timmons

Public school teachers in 35 states and the District of Columbia will rely on increased state taxes for retirement security.

was asked to explain how tax structures could be reformed to"assure adequate funding" of pension plans. Steven Gold of the Center for the Study of the States outlined several strategies including increasing income tax, increasing property tax, and increasing sales tax.

"It's really a matter of putting together a package of tax increases and designing it carefully," Gold told the union members, noting they should prepare now: "It is possible that in 1995, or some time before long, states will be able to raise taxes." Teachers looking at the strength of the tax-limitation movement in federal, state, and local elections in 1994 would be well-advised to consider whether they can rely on future tax increases to guarantee their defined-benefit plans.

Defined-benefit systems not only expose educators to unfunded liability risk, they also hamper educational reform. For instance, under a defined-contribution plan, Clementina Duron would have no trouble attracting teachers: Public school instructors could readily move in and out of the system.

Teachers' unions have always fought educational reform—from voucher and privitization efforts to charter schools. Lobbying to maintain outdated defined-benefit plans over defined-contribution plans has become one of the unions' tools in this ongoing educational war. Without teacher mobility, educational reform is impossible since each new system relies to some degree on schools competing for the best teachers.

A defined-contribution system will ensure educators' retirement security and will remove a stumbling block to educational reform. However, if teachers continue to follow their unions, past performance demonstrates that investment yields will certainly fall and teachers will find their silver years tarnished.

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Second Opinions

Principles for Health Care Reform in a Free Society

William A. Niskanen and Stuart M. Butler

President Clinton's Health Security Act is dead—the consequence of a misunderstanding of the popular concerns, a misdiagnosis of the major problems, the arrogance of the technocrats, and Bill Clinton's own overreaching. Unfortunately, many of the plan's supporters have not learned the real lessons of the debacle, while many opponents of the Clinton plan still do not fully understand what is wrong with the U.S. health-care system and what is needed to correct it.

Before Congress reconsiders health policy, all those concerned should consider the following questions:

1) What are the major problems with our health care system?

2) What are the major causes of these problems?

3) What principles should guide the selection among the competing health policy reform proposals? And

4) What are the necessary and appropriate changes in health policy that only the *federal* government can make?

All of us—inside and outside Congress—should reflect on these questions *before* we jump back into the process of proposing or legislating specific health policy reforms.

No Crisis

Most of the health reform plans considered to date focused on reducing the number of the uninsured, with little attention or with inappropriate means to control costs. The number or percentage of people who do not have health insurance, however, is not, by itself, a problem. We did not have a health care crisis in 1940 when few people had health insurance. We do not now have a crisis when few people have insurance against earthquakes, floods, and asteroids. Contrary to the Clintons' rhetoric, the employers that do not provide health insurance and their employees are not free riders; for the same labor skills, employers in a competitive labor market must pay higher wages if they do not provide insurance and the employees pay higher taxes. Universal health insurance coverage is *not* necessary to control health care costs; broader insurance coverage, in contrast, would almost surely increase costs.

Those without health insurance present two quite different, rather small problems.

Some of the uninsured do not receive some types of medical care that the rest of us, if necessary, would be willing to help finance. But those who are both uninsured and uninsurable are a very small fraction of the population under 65. While there is some disagreement between the authors as to how best to address the problems of this group, we agree that they can and should be solved at the state level. Most of the uninsured are a quite healthy lot and will be insured again within a few months—and most would never be uninsured in the first place with the reforms we propose later.

The uninsured, in fact, receive a substantial amount of medical care, for some of which the providers are not compensated. And the distribution of the costs of this uncompensated care is quite arbitrary. But again, this is a surprisingly small problem. As of 1991, the net amount of uncompensated care to the uninsured was around $20 billion, far less than the amount by which providers are undercompensated by Medicare and Medicaid. To the extent that these costs are shifted to privately insured patients, most of the cost shifting is due to undercompensation by the public insurance plans, not the uncompensated care to the uninsured.

Two Real Problems

The primary economic problem of our health care system is the continuing rapid increase in the relative price and real expenditures for medical care. Since 1965, the relative price of medical care has increased at a 2.5 percent annual rate, and real expenditures per capita have increased at a 5.2 percent annual rate. Payments for health insurance are now the most rapidly growing component of both private payrolls and government budgets. The rapid increase in health insurance premiums is a major reason for the increase in the percentage of uninsured Americans.

To be sure, the fact that the relative price of medical care, and the per capita spending level, is rising faster than the average for other products and services in the economy is not, by itself, a problem. Some items have to be above the average, and some below. Nor is there some "correct" level of GDP which should be spent on medical

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Where I Disagree with Stuart Butler

Most of the political demands for broader health insurance seem to be based on a concern about those who are both uninsured and uninsurable. We are a rich and generous nation, and we should help these people. In fact, we already do. At present, 28 states have created high-risk insurance pools for those who have been denied coverage based on some severe pre-existing condition. The premium on such high-risk pool insurance is typically set up to 50 percent higher than for comparable coverage to healthy people, and the states provide small subsidies to make these pools financially viable. These high-risk pools mistakenly provide standard low-deductible coverage and some are underfunded. All of those that are now both uninsured and uninsurable, however, could be included in these pools for a small additional subsidy, maybe less than $1 billion a year.

Stuart Butler and others have raised two concerns about expanding these state risk pools. The percent of people who are uninsurable would probably increase if there is a general transition from employer-based to individual health insurance. And the states would be subject to political pressure to broaden the eligibility for these pools. Both of these concerns are legitimate but, I believe, are small. The percent of those now insured by employers who would be uninsurable as individuals is probably very small, as evidenced by that fact that they have been included in a group policy at least once and are still working. And competition among the states would severely limit the willingness to broaden these subsidized risk pools.

The most probable alternative to these state risk pools is some form of community rating, assigning high-risk people to broader risk pools at the same premium. For several reasons, I suggest, community rating is not an acceptable means to cover those who would otherwise be uninsurable:

a) For individuals, the financial incentive to maintain healthy lifestyles would be severely reduced. And for firms, the financial incentive to maintain safe work places and wellness programs would be reduced.

b) Community rating would probably require mandated coverage in order to prevent healthy people from dropping coverage.

c) Regulated cross-subsidies like community rating are less transparent and less subject to periodic review and approval than are direct tax-financed subsidies; as a consequence, such regulated subsidies are likely to be larger and less precisely targeted. The burden of regulated cross-subsidies is also likely to be more arbitrary. In effect, community rating is a tax on healthy people to subsidize unhealthy people, whatever their relative income or the reasons for the difference in health status.

A final minor point. Some high deductible policy is probably an appropriate condition to be eligible for a tax-preferred Medisave account. The government, however, should specify only the minimum actuarial value of this policy, not the details of a minimum benefit package. My co-author is concerned about political demands to broaden the state high-risk pools. I am much more concerned about political demands to broaden a federal minimum benefit package.

—William A. Niskanen

care, as some have suggested. In fact, in an economy in which the population is growing richer and older, one would expect a rising proportion of income to be spent on such things as medical care. The crucial issue, from an economic point of view, is that medical care spending decisions made by ordinary Americans should not be artificially encouraged. As we will point out shortly, the tax system encourages more health care spending, compared with other goods and services, because it partially insulates Americans from the real price of health care. Given the size of the health care economy, this tax-induced spending on health care is a serious economic inefficiency that must be corrected.

Some recent news stories have suggested that the relative inflation in medical prices and expenditures has eased. These stories are misleading. Despite substantial efforts by private firms and insurance companies to control costs, these trends have continued. The relative price of medical care increased 2.8 percent in 1993, and real expenditures per capita increased 5.4 percent in 1991, both *higher* than the average increase since 1965. And despite the increasing undercompensation of providers by Medicare and Medicaid, real federal expenditures for health programs increased 7 percent in fiscal 1993. The unsustainable increase in the relative price and expenditures for medical care has continued, but was progressively ignored as the debate on health reform developed. There are some who opposed any major reform on the basis that the major problems of our health care system are being resolved. They were correct to oppose the major reforms considered in 1994, but they were wrong to conclude that a major change in federal health policies can be long deferred.

The second serious problem in health care is that health insurance often does not deliver what Americans normally expect from insurance—security and the spreading of risk. The theme of security featured prominently in Clinton's campaign for his version of health reform, and it was a theme that struck a responsive chord with middle-class Americans. The security concern arises because few working Americans actually own their health insurance or decide what benefits will be provided. As we will explain below, the tax system heavily penalizes families unless they permit their employer to purchase and own a health plan on their behalf, with the employer in most instances deciding how much of the employee's total compensation to allocate to health insurance and what services to include under insurance coverage—and increasingly, which physicians and hospitals will treat the employee when sick. Employed Americans typically de-

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cide where and in what kind of house they will live, what car they will drive, what life insurance or auto insurance is right for them, and where their children will go to school. But because they lack a property right regarding their health insurance, they are subject to the decisions made by the person who does exercise that property right—the employer. This is why even those Americans with more than adequate coverage feel insecure about the continuation of insurance protection. That feeling will continue until genuine property rights are assigned to the employee.

Health insurance today also does not typically fulfill the function of spreading risk appropriately and efficiently. For most Americans, health insurance is really little more than a very inefficient vehicle for paying routine medical bills. Few Americans would buy automobile insurance to pay for a weekly fill-up or even routine maintenance and repairs, because they would consider it bad value for money. Yet the equivalent services in the health field are routinely covered by insurance.

The Causes

Most of the proposed health reforms seem based on a premise that broader health insurance would solve most of the problems of our health care system. Most of these problems, however, are a consequence of too much of the wrong type of health insurance. There is too much because employer-provided health insurance is not included in taxable income. If the tax system treated health care spending like virtually any other major expense, such as buying a car or sending a child to college, many working Americans would spend less and doubtless all would be concerned about value for money and using insurance only when it makes economic sense to do so.

It is the wrong type because there is no similar exclusion for individual health insurance, which would encourage families to seek the type of coverage that is best for them, not for their employer. It is the wrong type also because the tax and regulatory preferences for the Blue Cross System displaced the older form of commercial indemnity policies with policies providing cost-based reimbursement. At present, patients pay about 5 cents on the dollar for insured hospital services and about 20 cents on the dollar for insured physicians services. This unusual form of health insurance has nearly eliminated any incentive for either the patient or the provider to control costs.

Not Worth It

The system created by this tax treatment, with its undermining of property rights protections and its perverse incentives, has several disturbing consequences:

Insured patients spend far more on medical care and are less concerned about good value than if spending decisions were biased by cost-based reimbursement; we have the highest quality medical care in the world but, at the margin, it costs more than it is worth.

The rate of inflation in medical care prices and expenditures, both over time and across types of treatment, is strongly related to the percentage of costs covered by private or public insurance.

The preference for employer-provided insurance, in turn, restricts the opportunity to choose your own coverage and risk pool or to maintain your policy when self-employed, unemployed, or changing jobs.

The insulation of individuals from economic incentives introduces a host of distortions into the economics of innovation. Health care is the only sector of the economy where people talk about the "problem" of new technology and how to control access to it. Normally technological innovation is considered a boon—a way to reduce cost while improving quality. But in other parts of the economy the consumer makes a rational decision about available new technology based on price and value. When we buy a new car we do not typically ask for every new gadget and feature available; we balance cost and value. But when the employer pays for health care coverage, and we pay little or none of the cost for a procedure involving expensive new technology, we as patients quite rationally demand the maximum value, not the best value for money. Hence the problem.

Most health reform proposals do not address these concerns because they would broaden employer-provided health insurance, and they try to deal with the problems of cost control, portability, etc., by price controls and other regulations. Again, the unusual form of American health insurance is the cause, not the solution, to most of the problems in American health care.

Principles for Reform

The appropriate next step in health care reform would be to reflect on the principles that should guide the choices among the proposed health reforms. Without claiming any unique ethical insight, we suggest five principles to guide these choices and the major policy implications of each of these principles.

1. Government policy should not bias the choice of means by which health care is *financed*.

In other words, to the extent possible, government policy should be neutral with respect to whether any specific method of treatment is financed by employer-provided insurance, individual insurance, or by direct patient payment. The implications of this principle are clear: No monopoly purchasing cooperatives. No federal standard benefit package. No state mandates on insurance coverage. And the tax code should be neutral with respect to the way in which Americans choose to pay for health care—through insurance of their choice, through direct payment out of current income, or from savings. The tax exclusion for employer-provided insurance thus should be either eliminated or broadened to include individual policies, direct payments for care, and payments made via a medical savings accounts.

2. Government policy should not bias the choice of means by which health care is *provided*.

Again, to the extent possible, government policy should be neutral with respect to the choice of provider, method of treatment, and form of organization. And again, the implications are clear: No subsidies or restrictions by type of provider. No bias for or against home care, physician care, hospital care, HMOs, PPOs, fee-for-service, etc. We would note that much of the debate about "any willing provider" legislation, patient choice, and the growth of managed care would be irrelevant if patients were actually making the choices, rather than their em-

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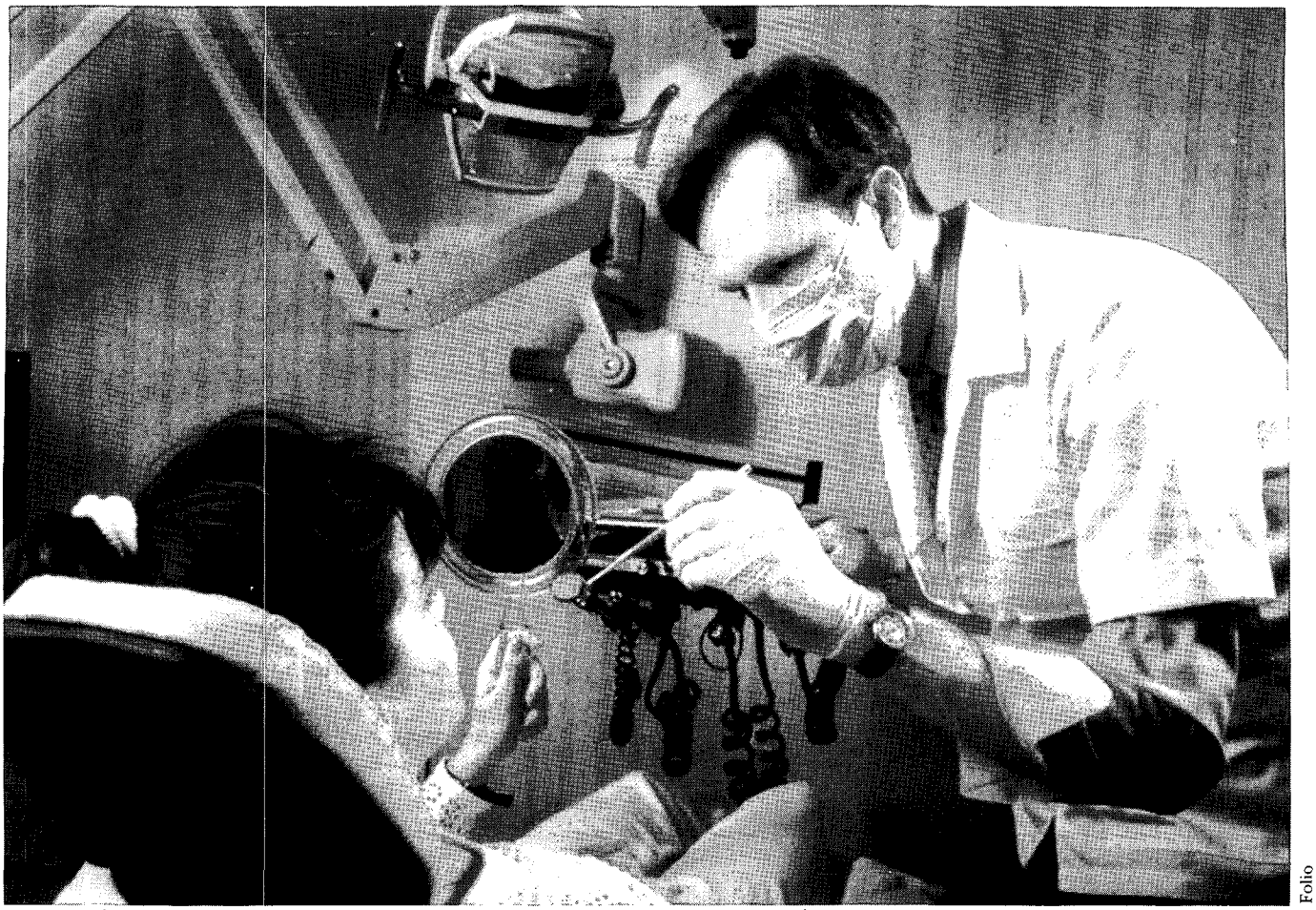

Folio

What does America consider "catastrophic coverage"? More than $5,000 for teeth cleaning in one year?

ployers. If patients made the crucial choices, then competing health plans would offer different limits and prices, and consumers would pick the combination they preferred.

3. Any government subsidies for either health insurance or health care should be on the budget, transparent, and subject to periodic review and approval.

This principle, of course, rejects the three other major pieces of the Clinton plan: employer mandates, community rating, and price controls. Each of these measures is an effective tax on some group to pay for health insurance or health care to others and differs from explicit taxes only in that the coerced transfer does not go through the federal treasury.

We already make massive subsidies, of course, to provide health insurance to the aged, the poor, veterans, etc. Our political system may and possibly should subsidize insurance or care for some others. The point of this principle is that the government is likely to make a much better decision on this issue, both initially and over time, and the distribution of the burden of these subsidies will be much less arbitrary, if these subsidies are on the budget than if they are buried in mandates and regulations. The political test of whether broader subsidies for health insurance or health care is desirable is whether Congress is willing to reduce other spending or increase explicit taxes to pay for these subsidies. That may be the primary reason, of course, why most of the proposed new subsidies are not on the budget.

4. The focus of federal health reform should be on those policies that *only* the federal government can change.

This principle, of course, rules out any comprehensive reform plan that includes measures that could be changed by state and local governments or private organizations. Federal health reform should focus on changes in federal health programs, the federal tax code, on federal regulations, and, perhaps, nothing else. There may be some health policies that the state governments could change for which a single national policy may be better, but we doubt it. We are especially unconvinced, for example, that the federal government should establish a single national policy on insurance regulation or medical malpractice. As with crime, the other major domestic policy issue of 1994, it is especially important to *decentralize* the policy choices on issues for which a uniform policy may not be best for all jurisdictions, because of regional differences in preferences or conditions, or where there is considerable uncertainty about what is the best policy. The guiding spirit of a wise federal health reform plan is humility, not hubris.

5. Policy proposals should not be prematurely constrained by "political feasibility."

The purpose of major policy proposals should be to persuade public opinion and in turn persuade legislators—they should not be designed to reflect current

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Where I Disagree with Bill Niskanen

Bill Niskanen and I agree on the fundamentals in the debate over health care. Disputes between the "libertarian" and "conservative" positions in this debate during 1994 were more over tactics than basic principle. In the new political climate it is less necessary for everyone to agree on the details of a bill (since the passage of sweeping legislation is now extremely unlikely), and more important that we stress underlying themes to persuade Americans that our approach is the right one.

Nonetheless, it is important to recognize that there are differences of opinions on some important issues that need to be aired and discussed frankly. But as these are debated within the movement, it is still important to recognize that they are disputes based primarily on strategy, and differing views about the dynamics of government, and not disputes about first principles. Two issues in particular need further discussion:

1) I remain opposed to the idea of dealing with the uninsurable population by expanding state risk pools or—even worse—creating a national risk pool. All I know about government tells me that once we take the step of creating a new government program it will grow and defy our efforts to curb it. Politicians will keep finding new "hardship" cases that should be included—and who will demand to be included. With government running these pools, moreover, I have little doubt that government will resort to price and expenditure controls to try to hold down costs, and that this will shift further costs to the private sector.

There are technical reasons why supporters underestimate the probable size of these pools. For one thing, the increasing ability of medicine to detect genetic "markers" indicating susceptibility to illnesses means that more and more seemingly healthy people will be classified as higher risk. For another, the number of people who would be literally uninsurable, or insurable only at prohibitive rates is probably much higher (without these advances in risk analysis) than the 1 percent figure used by supporters of the risk pool approach. It appears that it derives from the rejection rate of applicants in the individual market. This is about 8 percent. Since the individually insured population is about 13 percent of the working-age market, one can say that just over 1 percent of the working age population has been turned down for insurance. But that is very misleading, since the rate at which individual applicants are turned down actually is about 8 percent. If we move to a non-employment based market in which insurance premiums tend to reflect individual risk, rather than the community-rated (for want of a better term) employment group rate, we are likely to find the number of uninsurables much closer to 8 percent. And that figure does not include "substandard" risks (perhaps another 8 percent), who are insurable at substantially higher premiums that may be beyond the reach of many families. If these figures are anywhere near the mark, we are talking of a new government program that would begin at about the size of the existing Medicare program. The specter of such a program makes me very nervous.

This is why I favor some limitations on the freedom of insurance companies to deny coverage and price policies as a better alternative. Allowing insurers to vary premiums according to age, sex, geography, and lifestyle factors—but not medical history—would, according to most insurers, allow uninsurable individuals to be covered without destabilizing the insurance market. I know even a little regulation is dangerous. I just think it is less dangerous than creating government programs, and more likely to be reversed if it fails. But I think this difference can in any case be accommodated by letting states experiment with both approaches, and others as well. Let us see who is right and who is wrong. I do worry that an unsuccessful system of state risk pools will lead to an irresistible clamor for federal support, but I would take that chance.

2) We actually do not really differ about the issue of a standard benefits package. I take the view that tax relief for health care should be conditional on the family taking out at least a minimal catastrophic insurance plan. The idea of this is to protect society from free riders who happily take a tax credit to pay for dental flossing and prescriptions, but refuse to buy catastrophic insurance. When they are really sick they then exercise their legal right under current law to walk into an emergency room and receive care. If we were to repeal that legal right there would be less argument for the conditionality of tax relief, but there is little prospect of that for now (admittedly, that could change). Let me stress that this catastrophic requirement applies only to those who want to receive a special tax break not available to other typical uses of their money. If they don't like the requirement, they are free to turn down the special tax break and pay for health care any way they like.

Most of those analysts who favor such things as Medisave accounts, my co-author included, agree that buying catastrophic coverage probably should be a requirement of obtaining tax relief. So there is not a fundamental, ideological disagreement about conditionality. But we still have to ask what is "catastrophic coverage"? Protection for more than $5,000 of teeth cleaning in any one year? The problem is that you have to specify coverage for *something*, you cannot just specify a dollar amount.

The focus of a reasonable debate thus should be about what the *minimal* catastrophic plan should be if you want a special tax break for medical care that people do not have for other uses of their money. That should never be confused with the unacceptable idea that all Americans should be forced to obtain a comprehensive package of health benefits.

—Stuart M. Butler

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opinion polls and the views of congressional leaders. The debate over the Clinton health plan is a perfect illustration of the wisdom of this principle. The conventional view through 1993 and into 1994 was that the "politically feasible" approach was to recognize the support for Clinton-style reform and for obscure oxymorons such as "managed competition," and to push for reforms that merely tempered these ideas. But instead, a national debate was launched that focused on the very foundations of the plan, and this turned around public opinion. We must not underestimate the intelligence and plain common sense of American citizens if we present them with a sensible proposal, even if they are skeptical at the outset.

While we should avoid the political feasibility trap, we should not be naive about the underlying dynamics of government. When we frame reform proposals, we must bear in mind some of the government's natural tendencies and severe limitations. Government programs tend to grow as bureaucracies take on a life of their own. A little regulation usually grows into a plethora of stifling rules.

The Choice of Policies

The new Congress should declare a six-month moratorium on health care legislation, and those of us in the business of suggesting policies should perhaps also take a break. It is important for a national debate to take place on some basic issues before anyone starts talking about specific reforms. Among the questions Americans need to consider and answer:

1. Who should own a family's health plan and make the crucial decisions over benefits and access? The employer (as today), the government, or each family?

2. Who should decide how much a family will spend on health care? The employer (as today, for the most part), the government, or the family?

3. Finally, what kind of economic system is more likely to moderate health care costs with the greatest amount of freedom and efficiency? A centrally planned command-and-control system, or a system based on individual choice and competition?

As we debate those most basic questions, we can at least suggest some policy tools that would respond to the likely answers of most Americans—that they want families to make the decisions within a free market framework.

1. The most important broad reform would be to change the federal tax treatment of health insurance. Two quite different changes should be considered:

a) *Eliminate* the exclusion of employer-provided health insurance from taxable income, *combined* with a revenue-neutral reduction in *other taxes*. This would be sufficient to eliminate the tax bias against both individual insurance and against direct patient payment. This policy would reduce health insurance coverage but increase *cash* wages and employment.

b) *Replace* the exclusion of employer-provided health insurance with a revenue-neutral tax credit. Broaden the credit to individual policies, direct payments to providers, and contributions to medical savings accounts (to eliminate the current bias against individual policies and direct payment). This policy may or may not reduce health insurance coverage and would require some other change in spending or taxes to offset the revenue loss of the broader tax credit.

2. Changes in the benefit structure of the major federal health insurance programs should also be considered. Four changes merit special attention:

a) Income-test the deductible for both Medicare and Medicaid, maybe at 7.5 percent of adjusted gross income (the same rate as in the current federal tax code). This would gradually reduce the benefits of both programs as a function of the recipient's income.

b) Introduce an alternative voucher program in Medicare, under which retirees could elect to receive a voucher equal to the actuarial value of their Medicare benefits, and put it toward the health plan or services of their choice. They could thus use the voucher to enroll in an insurance plan, for direct payments to physicians and hospitals, and for contributions to a medical savings account to pay for future medical services.

c) Eliminate the prohibition on balance billing on medical services reimbursed by Medicare. This would transform the Medicare reimbursement rates from price controls into lump sum payments, increasing the incentive of providers to serve Medicare patients and the incentive of patients to choose low price providers.

d) Allow the state governments almost complete flexibility in designing the Medicaid benefit structure, eliminating most of the federal mandates as well as the restrictions on the use of federal funds from AFDC, food stamps, and other welfare programs. The case for decentralizing the decisions on these policies is powerful, primarily because of the uncertainty about the most effective combination of those measures in any jurisdiction.

3. Encourage experimentation by the states to provide coverage to those with pre-existing conditions and to address the shortcomings of the insurance and malpractice system. There will be disagreements on what reforms are best—even among strong supporters of the free market. One approach, supported by one of the authors, would be to build on the existing system of state risk pools, so that the problems of the small number of uninsurable Americans can be addressed without distorting the system for the rest of us. Another, favored by the other author, would be to accept some constraint in the freedom of insurance companies to set premiums or offer policies, in order to avoid the risks associated with new government programs. But whichever approach one favors, the place to experiment is at the state level: Let the competition among states be the laboratory for sorting out the good approaches from the bad.

Health care is too important an issue to be resolved by policy analysts and politicians. For the most part, each person or family should make individual decisions on the amount and type of both health insurance and health care, as much as possible without the bias or constraints of government policy. We hope that the above has provided some useful guidance so that the next steps toward health policy reform will both avoid the pitfalls of the comprehensive reform proposals and correct the policies that are the basis for the problems of our current health care system. ☎

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The Crime of the Crop

Why This Farmer Doesn't Cotton to Ag Subsidies

Representative Calvin M. Dooley

A political dust storm is developing around the need to make changes in U.S. farm policy. I am afraid, however that after the dust settles on the 1995 farm bill debate, Congress will succumb to political pressures and adopt a status quo farm bill. As a farmer and a member of Congress, I believe that would be both a mistake and a lost opportunity.

American farm policy was born in 1933 when then-Secretary of Agriculture Henry Wallace introduced the New Deal farm programs as a temporary solution to deal with an emergency situation.

Sixty years later we are still using those same temporary solutions as the basis of our farm policy.

The programs ushered in by Secretary Wallace were based on the assumption that by restricting domestic production, farm prices would rise, and by coupling that with income subsidies for unplanted acreage, U.S. farmers would have greater income security and the family farm would be protected. Despite much tinkering, the U.S. approach to farm policy—supply management predicated upon the false promise of significantly improving commodity prices—remains largely unchanged.

But much has changed in the U.S. agriculture industry over the past half century. In 1940, there were 6.1 million farms. In 1990, the number of farms had dropped to 2.1 million. In the 1980s alone, the number of farms decreased by 20 percent.

If U.S. farm policy aims to preserve the family farm, it is failing.

Get Real

Of the 2.1 million farms in America, 70 percent have a gross farm income of less than $40,000. The next 15 percent of farms have gross incomes between $40,000 and $100,000. This is 85 percent of all farms in the United States, yet they account for only 21 percent of farm receipts. Anyone involved with agriculture knows it is next to impossible to provide for a family on a $100,000 *gross farm* income. So it should not be a surprise that the 70 percent of farms with sales less than $40,000 generate over 90 percent of their total family income off the farm, and thus their financial interests depend more on a healthy rural economy than on commodity prices.

The 15 percent of farms with sales in excess of $100,000 generate 79 percent of total U.S. farm production. It is this group of farmers whose net worth and family income are in excess of national averages and who receive more than 80 percent of government farm program outlays.

In our attempts to develop effective farm policy, we must distinguish agricultural policy from rural development or social policy.

As a farmer and a member of Congress, I believe the time has come for the industry to encourage the adoption of a farm policy that is rooted in the reality of today's international marketplace. We must accept that our profitability, our viability, and our future are predicated on our ability to be competitive in the world market. A continued reliance on programs that require farmers to set aside up to 15 percent of our acreage is a prescription for reducing our share of the international market and declining profitability in the long term.

Every acre that we take out of production does not drive up prices, but rather presents an opportunity for our foreign competitors to capture markets that should be the domain of U.S. farmers.

I realize it is difficult to talk about reduced income supports at a time when crop prices are low. But we need to step back and ask ourselves these questions: What do we want to achieve with our farm policy? Is it maintaining the status quo? Should we, in effect, continue to try to protect farm income by reducing domestic production?

Just Say No

This farmer's answer is no. The time has come to break our addiction to a farm policy that seduces us with income supports but leads us down a path of reduced opportunities. It is time we embraced a farm policy that encompasses three fundamental objectives:

Market expansion. As farmers, we will be better served by a policy that strives to expand market opportunities here and abroad.

Risk management. We need to develop programs that provide a market-based safety net that encourages farmers to use commodity futures markets and to develop an

Calvin M. Dooley, *a fourth-generation farmer in California's San Joaquin Valley, is a Democrat representing the 20th district of California.*

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insurance program that includes protection for revenue and production.

Maintaining competitiveness. We must acknowledge that we are in an international market and we must be price-competitive. This will require a greater commitment to public research in basic and applied science as well as stronger incentives for private sector research.

Agricultural exports are critical to farm profitability. For example, 75 percent of California cotton is exported. Nationally, agricultural exports account for $43 billion in sales, and almost one-third of the cultivated acreage in the United States is devoted to exports.

The most compelling argument for expanded trade is demographics. Over the next 20 years, our country will grow by 30 million people. At the same time, the world's population will grow by 2 billion. Let's acknowledge where future market opportunities lie. They are international, and it is vital that we facilitate access to those markets. NAFTA and GATT are efforts to achieve that objective.

An argument that surfaced during the NAFTA debate was that Mexican citizens could not afford to buy U.S. goods. That is ridiculous. Developing countries with per capita gross domestic products comparable to Mexico currently purchase one-third of all U.S. agricultural exports. In fact, U.S. exports to Mexico during the first eight months of 1994 totaled $2.9 million—15 percent higher than in the comparable period of 1993.

THE U.S. FARMER MUST ACCEPT THAT HIS PROFITABILITY, VIABILTY, AND FUTURE ARE PREDICATED ON HIS ABILITY TO BE COMPETITIVE IN THE WORLD MARKET.

Developing countries are our most lucrative trade opportunity. As the buying power of low-income people rises throughout the world, a high relative share of that increased income will go toward improving diets through the purchase of agricultural commodities. American agriculture can facilitate those purchases by expanding our guaranteed export credit programs, which are cost-effective and have manageable budgetary impact. In 1992, these programs were used to export $5.5 billion in agricultural commodities and goods.

It is ironic that one of the most effective federal programs to expand trade, the Market Promotion Program (MPP), is constantly under attack in Congress. The MPP has helped forge very useful partnerships between the government and farmers to promote their products in foreign markets. This year, however, Congress reduced appropriations to $88.5 million from $200 million in 1991. MPP is the type of program we should be building upon, rather than paring down.

I hope the GATT agreement will achieve for agricultural products what it has for manufactured products over the past 40 years. Since 1947, GATT agreements have led to an average reduction in manufactured goods tariffs from 40 percent to 5 percent; and the world has enjoyed an explosion in manufacturing trade. Farmers need some form of protection from the vagaries of Mother Nature, as well as world market prices. However, government risk management tools must not insulate producers from world market conditions; instead, they should encourage farmers to use commodities futures markets to cut risks.

Big Risks

It is the volatility of prices that constitutes the greatest risk to producers. The U.S. government shoud not be in the business of attempting to maintain the artificial profitabity of a commodity that suffers from systemic low prices. Rather, we should design a program that helps farmers weather the temporary collapse of market prices or crop disasters. Such a program of risk management would involve several reforms. First, we must extend out existing marketing loan program that set loan rates based on a five-year floating average of world market prices. A marketing loan provides farmers with a significant level of price protection that is based on world market prices. It provides farmers with a tool that encourages them to sell their crops if prices are at or slightly below world prices. Current farm payment programs do not provide an incentive to farmers to sell a product below the domestic price, even if this price is above the world market price.

Second, we should reformulate our crop insurance program. The crop insurance program so far has achieved limited success, but the recent reforms adopted by Congress go a long way toward addressing the inadequacies of the old program. With Congress eliminating crop disaster relief funds, the incentive to purchase crop insurance has increased significantly. I am certain that the new mandatory catastrophic coverage will expose more producers to the crop insurance program and that many farmers will purchase additional coverage as a management tool.

Other improvements in the crop insurance program would make it an even more attractive option to producers who want to manage risk. The government should adopt an "area yield" concept, one that allows payments only when an average area yield falls below certain thresholds. This would eliminate much of the fraud and abuse committed by producers who farm to maximize insurance payments and not their crop yields. We also should consider adding a revenue component that would allow farmers to pay premiums that would insure a certain level of income protection. Such reforms would give farmers a high degree of risk protection without distorting market conditions or resulting in the capitalization of program benefits in higher farmland values.

Competitive Advantage

One of the most effective investments the government has made for farmers has been in research. U.S. producers can compete with low-wage countries only if we maintain our productivity advantage, and we can only maintain that advantage through research and the latest technology.

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If we are to reduce our reliance on income subsidies we must complement that action by increasing our investment in research. We must enhance the incentives for the private sector to increase its investment in research. And there has to be more attention to the transfer of the research conducted by our public institutions to commercial applications. Certainly, private agriculture research would benefit from the permanent extension of research and development tax credits, as well as reduced taxation of capital gains.

While our present policy focuses primarily on the price component of farm income, research can significantly increase crop yields as well as lower production costs—both as critical to farm income as commodity prices. In addition, we can't afford to overlook the potential expansion of domestic opportunities by increasing research into the development of better quality products and alternative uses for agricultural products.

It would be a tragic mistake and a lost opportunity to maintain a status quo policy in the 1995 farm bill.

President Clinton's recent deficit-reduction efforts required cuts in the agriculture budget. If the Republican contract is adopted, more cuts are inevitable. It is clear that this pressure will continue regardless of who controls Congress. We lose an opportunity if we don't have a policy alternative that can achieve a level of budgetary savings and provide a new, more promising direction for farmers. Farmers must look beyond short-term fixes and ask which policy alternatives are based in the realities of today's international marketplace.

Limited Capital

In Congress, and on the farm, you have limited capital. In Congress, you have political capital. On the farm, you have investment capital. The challenge is the same—how to get the most from your investment. The questions that I and other strong supporters of agriculture in Congress face is: Do we invest our political capital in efforts to turn back attempts to means-test farm programs or increase acreage set-asides in order to maintain the status quo? The correct answer, both for lawmakers and for farmers, is no: We must invest our political capital in trying to adopt a new, more market-oriented farm policy that expands market opportunities for U.S. farmers.

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Natural Born Killers?

Preventing the Coming Explosion of Teenage Crime

Paul J. McNulty

From 1985 to 1991, homicides committed by boys in the 15- to 19-year-old age group jumped 154 percent. From 1982 to 1991, the juvenile arrest rate for murder rose 93 percent, for aggravated assault 72 percent, and for forcible rape 24 percent.

If these statistics scare you, brace yourself. A breathtaking rise in juvenile crime is occurring even as the national rate of violent crime has leveled off, and the nation's population of juveniles has fallen. The greatest danger lies ahead. In the final years of this decade and throughout the next, America will experience an "echo boom"—a population surge made up of the teenage children of today's aging baby boomers. As today's five-year-old children become tomorrow's teenagers, America faces the most violent juvenile crime surge in its history.

The warnings of this coming storm are unmistakable. More violent crime is committed by older teenagers than by any other age group. Teenagers from fatherless homes commit more crime than teenagers from intact families. Put these two demographic facts together, and we are in for a catastrophe in the early 21st century.

Kids and Crime

Teenagers account for the largest portion of all violent crime in America. Offenders under the age of 21 commit more than one-fourth of all violent crime. Older teenagers (ages 17 to 19) are the most violent of all age groups: More murder and robbery is committed by 18-year-old males than any other group, and more than one-third of all murders are committed by offenders under the age of 21. No population poses a larger threat to public safety than juvenile and young adult criminals.

This violence is getting worse. While the teenage population in America has declined over the past decade, violent crimes committed by juveniles have risen sharply. According to the FBI, from 1988 to 1992 juvenile violent crime arrests increased by 47 percent. More juveniles were arrested for violent crime in 1991 and 1992 than in any other two-year period in U.S. history; the number of serious crime cases handled by juvenile courts rose nearly 70 percent between 1988 and 1992. Perhaps most disturbing, the number of 13- to 15-year-olds arrested for murder jumped from 390 in 1982 to 740 only 10 years later.

By the time the courts finally lock up an older teenager on a violent crime charge, the offender often has a long rap sheet with arrests starting in his early teens. And actual lock-ups are rare. Nowhere does the revolving door of justice spin faster than in the juvenile court system. Nearly one-quarter of all juvenile arrests are dismissed immediately, and only 10 percent result in detention of the offender. A 1987 justice department *Survey of Youth in Custody* reported that 43 percent of juveniles in state institutions had more than five prior arrests, and 20 percent had been arrested more than 10 times. Approximately four-fifths of these offenders had previously been on probation, and three-fifths had been committed to a correctional facility at least once in the past.

A large majority of teenage criminals are from broken and single-parent households; many teenage boys are growing up without fathers as moral guides and role models. The *Survey of Youth in Custody* reports that some 70 percent of offenders did not live with both parents while growing up, and more than half reported that a family member had served time in prison. Another study found that 75 percent of teenage criminals came from single-parent homes. These numbers are consistent with surveys of adult offenders in state prisons. Only 43 percent of these inmates grew up in homes with both parents.

The single most reliable predictor of violent crime in a neighborhood is its proportion of single-parent families, according to the *Journal of Research in Crime and Delinquency*. The last thing America needs is a population surge of teenage boys growing up in single-parent homes. Yet by the turn of the century, that is exactly what the country will face.

The New Wave

While the population of male teenagers has actually decreased over the past decade, the number of crimes they commit has skyrocketed. Soon the demographics will begin to change in favor of even more youth violence. In 1980, according to the U.S. Census Bureau, there were some 10.7 million males in the 15- to 19-year-old age

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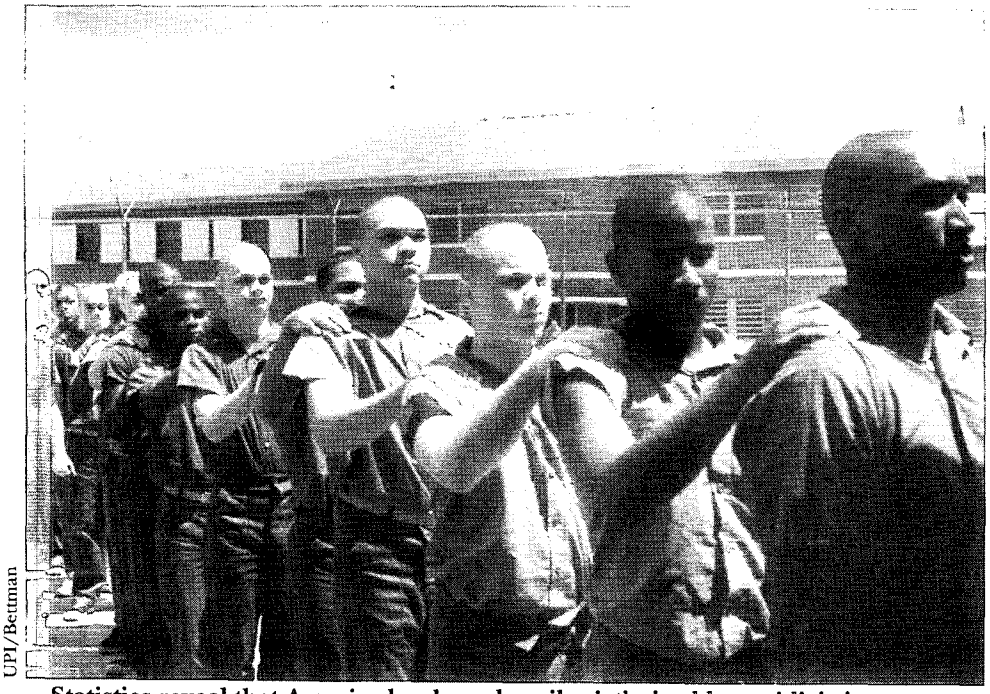

UPI/Bettman

Statistics reveal that America has been heavily victimized by recidivistic teenage thugs. Government must affirm the indispensable place of accountability in juvenile justice.

group. By 1990 this population had declined by 15 percent to about 9.2 million. This downward trend will continue into 1995, when America will have the fewest number of young men since 1965. But by the turn of the century, the population in this age cohort will have rebounded to more than 10 million, and by 2010, the number of 15- to 19-year-old males will be 11.5 million, an increase of 30 percent from the 1995 low.

Catch and Convict

The young men who will comprise the crime-committing cohort by the middle of the next decade are now young boys in the critical stage of human moral development. But the moral training ground of these 10 million boys has changed dramatically over the past 30 years. Consider these grim statistics: Some 4 million babies were born in both 1961 and 1991, but in 1991 five times as many of them were born out of wedlock. Today, one out of every three children is born to a single parent, triple the rate of just 25 years ago. Nearly 70 percent of black children are born to unwed mothers. over the same period, the divorce rate in the U.S. tripled, from 393,000 in 1960 to 1,175,000 in 1990. Today more than 25 percent of all children live with only one parent.

The combination of these population projections and the decline of the American family portends big trouble. At the beginning of the next century, the United States will have an extremely large number of young men under the age of 20. An unprecedented number in this group are today growing up in troubled family circumstances. Only by taking decisive action now, and most importantly by slowing the revolving door of juvenile justice, can America prevent this cohort from committing more violent crime than we have ever witnessed.

Nothing can be done to stop the 5- to 10-year-olds of today from becoming the 15- to 20-year-olds of tomorrow. Since repairing the home life in which these children are now being raised is, with few exceptions, one of the many tasks beyond the reach of government, America's future safety rests in its ability to discourage young trouble-makers from committing violent crimes when they reach their peak crime-committing years.

How this is best accomplished is where the debate begins, and largely the ground where the recent battle on the crime bill was fought. President Clinton wanted billions for so-called "crime prevention" programs, such as the now-famous midnight basketball program, but Republicans denounced this spending as a rehash of the Great Society programs that have already failed.

Indeed, the crime-bill dispute is the most recent example of a long-standing clash over the role of government in relation to crime prevention. Liberals argue that crime results from such things as inadequate education, economic deprivation, and low self-esteem. Consequently, they favor early intervention government programs aimed at preschoolers, government-initiated job opportunities, and treatment-oriented responses for young criminals.

Conservatives, on the other hand, argue that crime results from a lack of moral self-restraint. The absence of such restraint ordinarily follows from the absence of nurturing parental care, including consistent discipline. Families and government are not interchangeable in this regard; raising children is a task largely beyond the reach of government. Instead, government must focus on what it was created to do—catch and convict law breakers.

The challenge for conservatives now lies in suppressing juvenile crime at the first sign of trouble, often with young teenagers or even pre-teens, before these criminals become violent young men. Government's role is to enforce the law, and it should be vigorous and purposeful in the acceptance of that duty. When families fail to instill virtue in children, government must be prepared immediately to send a clear message to those children, and their parents, that lawbreaking will not be tolerated, and that the children will be held accountable. To do that will require a complete overhaul of the juvenile justice system. The first step in this effort is to understand the flawed nature of the current system.

Misguided Justice

The failure of the juvenile justice system to stem the tide of youth crime is the result of a shift in philosophy. Punishment is now consdiered contrary to its intended mission.

The first juvenile court was established in 1899 in Cook

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County, Illinois; by 1925, there were juvenile courts in 46 states. Describing the hopes associated with this institution, Charles Silberman notes in *Criminal Violence, Criminal Justice*: "Juvenile courts have been monuments to American optimism. In their rhetoric, if not their actual operation, the courts represent expressions of faith in judges' capacity to change behavior and thereby turn wayward children into law-abiding citizens."

The goal of the juvenile justice system—rehabilitation—is a clear departure from the goals of the adult system—accountability and punishment. Because children are not fully developed, physically or mentally, it was argued that they could not be held accountable for wrongdoing. Criminality was not seen as the result of a decision by a morally responsible individual; rather, it was a type of youthful illness to be treated through the individualized attention of so-called experts. To ensure proper treatment, these experts—juvenile court judges, probation officers, reform school administrators, and parole board officials—were given broad discretion to develop and implement a rehabilitation program for each case.

The Bettman Archive

The young men who will comprise the crime-committing cohort by the middle of the next decade are now in their critical stages of moral development.

The candid descriptions by juvenile judges of their role in relation to young criminals should shock and outrage inner-city residents held hostage by the rise in juvenile street violence. Judge Ben Lindsay, founder of the Denver Juvenile Court, has described his role within the court as "part educator, part artist, and part physician." He summarily declares: "[A] child's case is not a legal case." One of this century's most influential juvenile court judges, Harvey Baker of Boston, likened himself to a doctor in a dispensary, with there being no more formality in his courtroom than in a "physician's examination room."

Toughen Up

In 1975, Justice William O. Douglas recounted a conversation he had with a juvenile court judge who, in the words of Douglas, "explained what I think was the original purpose of the juvenile delinquency acts of the various states. 'I, the judge,' he told me, 'and the bailiff and the other court attendants are like those on a hospital staff, dressed in white. We are doctors, nurses, orderlies. We are there not to administer a law in the normal meaning of criminal law. We are there to diagnose, investigate, counsel, and advise.'" More recently, Judge Walter Whitlack, now with the Cleveland Juvenile Court and a past president of the National Council of Juvenile Court Judges, stated, "...[A] child who has violated the law is not a criminal, but rather he is to be taken in hand by the state as protector and ultimate guardian rather than as his enemy."

Every step of today's juvenile justice system reflects its orientation toward treatment and rehabilitation and away from accountability and punishment. Those who commit crimes while under the age of 18 are not termed criminals, but are "delinquents." Juveniles are not arrested, they are "taken into custody." They are not jailed, they are "detained." And they are not charged with a crime, they are "referred" to the court. There, they are not tried; a "hearing" is held. A hearing cannot lead to a conviction and sentencing; it can only lead to a "finding of delinquency" and a "placement" in a "detention center" or "residential facility."

The result of this confusion? The highest juvenile crime rates in American history. It is time to abandon this misguided philosophy. Government must affirm, through the consistent enforcement of law, the indispensable place of accountability in juvenile justice. Statistics previously cited unquestionably reveal that America has been heavily victimized by recidivistic teenage thugs who were quickly returned to the streets by idealistic judges.

The juvenile justice system must become a tough criminal justice system for young offenders. Three principles must guide its reform. First, the gap between lawbreaking and accountability must be significantly narrowed. Too many "minor" crimes by young offenders, such as truancy and vandalism, are tolerated by law enforcers, sending the message that there is no sanction for illegal behavior. Such wrongdoing left unaddressed may be a precursor to more serious crimes. Some jurisdictions are attempting to increase accountability in this regard. The "ASAP" initiative (Absent Students Assistance Program) in Houston Texas, founded by Constable Victor Trevino, has had remarkable and cost-effective success through aggressive enforcement of truancy laws.

Second, violent crimes must be punished with appropriate penalties. Violent juveniles should receive substantial time in prison—with no early parole—as a matter of both justice and public safety. The offender's age may be

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taken into consideration at the time of sentencing.

Third, there must be a sanction for every crime. As noted criminologist James Q. Wilson observes, "There ought to be penalties from the earliest offense...so that juveniles are treated by the state the same way we treat our children. You don't ignore the fact that they're wrecking the house until they finally burn it down. You try to deal with it right away."

Pay Up

Every offender must pay for his criminal actions. While sanctions for less violent crimes will vary and may be creative, and in the majority of cases not involve incarceration, these punishments must nonetheless communicate the basic message that punishment will be imposed every time an offender is caught and convicted. Punishments should also range in severity, with offenders receiving more severe sanctions if they fail to complete their original sentences.

Measures that would serve these objectives—many of which currently exist in various forms—include:

Hard Work and Financial Responsibility: Restitution should be mandatory and involve physical labor to compensate victims, including reparations to neighborhoods and businesses that are devalued because of criminal activity. Studies have found that restitution reduces recidivism, because the criminal becomes aware of the true consequences of the crime. An analysis by Anne Larason Schneider and Jean Shumway Warner in the *Yale Law and Policy Review* concludes, "By reconfirming the moral base of the law and by emphasizing that those who commit crimes will be held accountable to their victims because it is 'right' to do so, restitution may increase commitment to the moral order."

Loss of Freedom: In some circumstances, confining a nonviolent juvenile offender after the first conviction may be warranted. Factors such as the nature of the crime, family history, and school performance may indicate serious trouble ahead. The conditions of such confinements should be designed to encourage the development of moral self-government.

This would differ from the current smorgasbord of rehabilitation and treatment programs from which a juvenile's criminal sentence is now selected. Character-oriented confinement would encourage the development of moral habits through discipline and responsibility over time.

Partial Loss of Freedom: Electronic monitoring technology could be used to ensure that a juvenile offender follows a specific schedule of school attendance and home confinement. This sanction works best when parents demonstrate a willingness to assist the government and support the goals of law enforcement.

Facing the Victims: Giving the neighbors of young lawbreakers a voice in the administration of punishment through "Neighborhood Accountability Councils" could teach young offenders that bad actions actually bring about bad consequences. The councils, comprised of citizens from neighborhoods victimized by juvenile crime, would work in partnership with the juvenile justice system and have authority to prescribe a range of sanctions, including restitution and community service. This approach is particularly well suited for the youngest offenders who violate curfews, truancy laws, and commit acts of vandalism.

By involving neighbors in determining punishments for juvenile offenses, wrongdoers are more likely to be confronted with the direct consequences of their actions. Moreover, the stigma of being sentenced by individuals from the offender's own neighborhood may provide additional deterrence. Juvenile courts in Washington's King County sent nearly 5,000 offenders to such councils in 1993. The results appear promising; few of the offenders have been rearrested.

Parental Responsibility: A growing number of jurisdictions are employing performance bonds for releasing adults pre-trial. A performance bond is a financial guarantee by some third-party guarantor that an arrestee will appear for court dates and comply with other specified requirements in exchange for the arrestee's release from jail. If the arrestee fails to perform as promised, the guarantor forfeits his surety and the arrestee is returned to jail. This tool could be used for juveniles after conviction, or, in the current lexicon, a delinquency adjudication. Family members and friends would sign a contract with the court agreeing to forfeit particular assets if a juvenile offender fails to comply with the court's requirements. All who sign the bond would then have financial incentive to supervise the juvenile offender closely to ensure compliance.

Procedural Reforms: Certain procedural reforms must be included in the juvenile justice system's overhaul. Every juvenile arrest should be recorded and every arrestee should be fingerprinted. Juvenile records should be available to all law-enforcement authorities and to the courts. Court hearings for juveniles accused of felonies should be opened to the public. Finally, there should be no expungements or fresh starts at the age of majority. The notion that a juvenile criminal's remaining punishment and criminal record should disappear when he turns 18 is rooted in a treatment-oriented philosophy.

Catch the Wave

Every night, Americans watch as the nightly news displays fresh pictures of teenage boys who are unafraid of the police and the criminal justice system. There are lots of smiles and taunts and confident glares, and virtually no worry or remorse. The stories are frequently the same: a teenager with multiple prior arrests now charged with a hideous violent crime.

Facing the largest potential crime wave in our history by the year 2000, America must start to deal swiftly and effectively with young law-breakers on the verge of becoming the violent teenagers on the evening news. Older siblings are telling them that the current system is a joke. The kindergarten boys of today will be tomorrow's violent thugs unless America gets serious about punishing juvenile criminals.

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THEM VS. UNZ

Special Letters Section

LAWRENCE AUSTER, VERNON M. BRIGGS, LAWRENCE W. FUCHS, GEORGE B. HIGH, DONALD L. HUDDLE, FRED C. IKLE, ALAN C. NELSON, DANIEL A. STEIN

Ron K. Unz, in "Immigration or the Welfare State" (Fall 1994), challenged the notion that out-of-control immigration is fueling a host of social and economic problems, from crime to welfare dependency to job loss. Unz, chief executive officer of Wall Street Analytics Inc., in Palo Alto, Calif., argued that immigrants—both legal and illegal—are among his state's most productive entrepreneurs. He identifies welfare policies as the real cause of social breakdown. His critics respond.

Even as the American national identity and way of life are being delegitimized and submerged by the continuing Third-World invasion of this country, utopian ideologues like Ron Unz keep telling us that such invasion is a "blessing" for which we must be grateful. As an example of Unz's thoroughgoing denial of reality, he depicts San Jose, California, as an immigrant city with "virtually no significant ethnic conflict." Yet it was San Jose's large Hispanic community that, in 1992, violently protested, as a "symbol of conquest," the erection of a statue commemorating the raising of the American flag in California during the Mexican War. This past year San Jose's Hispanic-dominated city council voted to erect, in a public square, a 25-foot-high statue of Quetzalcoatl, the Aztec god of human sacrifice as a celebration of Hispanic culture. And just recently, thousands of Hispanics protesting Proposition 187 marched in the streets of Los Angeles carrying Mexican flags, an event that shocked even liberal Californians into voting for 187. *Pace* Unz, such manifestations of Third-World *revanchism* cannot be explained away as side-effects of the welfare state or affirmative action; rather, they are a direct result of the sheer numbers (and mounting political power) of the culturally unassailable peoples who have been admitted into this country under the suicidal immigration policies of the last 30 years.

Of course, it does no good to point out these things to the open border advocates, for whom immigration has the status of a religious faith. Thus the argument goes on interminably. In the end, the immigration issue will not be decided in the pages of intellectual journals such as this. It will be decided by an aroused American public who are looking at reality with their own eyes, who see their nation and way of life vanishing, and who resolve, finally, to do something about it.

— Lawrence Auster
Author of *The Path to National Suicide: An Essay on Immigration and Multiculturalism*
New York, NY

In his article, "Immigration or the Welfare State," Ron Unz asserts that the mass immigration that the United States is currently experiencing is a "strong net positive"; that there is "no connection between" immigration and job loss; and that concerns about criminality and welfare abuse by immigrants are "overstated." Praise is heaped on immigrants; scorn expressed for the welfare system; and the possibility of any linkage between the two is simply dismissed. Rather than present an objective appraisal of these two complex issues, his essay seeks primarily to find a way to exploit the public's confusion for partisan political gain.

Unz bases his case on the fact that immigration in the past was crucial to the building of the nation. In the late 19th and early 20th centuries, most of the immigrants were unskilled, poorly educated, and non-English speaking. Likewise, most of the jobs required little in the way of human capital. The nation was shifting from an agriculturally based economy to a goods-producing economy. That era of immigration ended around 1914–only a year after assembly-line production was introduced by Henry Ford, ushering in a new era of machine technology. Mass immigration, therefore, was essentially a pre-industrial production strategy that relied on labor-intensive technologies and low-wage workers.

From 1914 to the late-1960s, immigration declined significantly and continually. Over that period, the United States emerged as the world's leading economic superpower. It did so by shifting its attention away from the use of cheap labor toward efforts to develop the productive capacities of its native human resources. It adopted more capital-intensive production technologies. It sought to become a high-productivity economy that could provide high wages and a rising standard of living for its work force. This, incidentally, is exactly the strategy that Japan (which simultaneously pursues a zero immi-

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gration policy) is following today.

But starting in the late-1960s, the United States accidentally revived the sleeping giant of mass immigration. Unfortunately, the preponderance of post-1960s immigrants are exactly like the immigrants of the early 1900s in terms of their lack of human capital. But the economy of the United States of the 1990s in no way resembles the economy of the 1890s.

Job growth in the United States today is disproportionately centered in occupations that require educated and skilled workers. The goods-producing sector is in sharp decline in terms of its ability to generate employment opportunities. Almost 80 percent of the work force is employed in service industries. Jobs in the service sector stress cognitive abilities, not physical stamina. Speaking English is necessary.

Hence the immigrant inflow is disproportionately affecting the low-skilled segment of the labor market where job opportunities are shrinking faster than is the supply of low-skilled job seekers. Welfare enters the picture here. The fierce competition for low-skilled jobs is forcing many low-skilled, native-born persons into unemployment, welfare, and lives of crime. The infusion of low-skilled immigrants into the low-skilled labor market is also a contributing factor to the rapidly declining real wages and real family incomes of low-skilled workers. It adds to the growing income inequality the nation is experiencing.

Unz fails to see this linkage between contemporary immigration flows and the growth of the welfare state. To be sure, immigration is not the only factor involved in these divisive trends. But it is one of the few causes that is subject to direct legislative correction. It is time for the nation's immigration system to be held accountable for its counter-productive economic consequences.

— Professor Vernon M. Briggs
School of Industrial and Labor Relations
Cornell University
New York, NY

Mr. Unz is absolutely right in taking on the spurious allegation that legal immigration is the cause of economic and social ills in California and the country. The politically inspired attacks by Governor Pete Wilson and others on immigrants is not justified by the data, some of which Unz cites. He is correct that California benefitted from the large influx of immigration in the 1970s and 1980s, and that the real explanations for California's economic troubles in recent years lie elsewhere.

I also agree with Unz that it is a great mistake to acculturate immigrants to state-based, ethnic-conscious policies such as ethnic set-asides, ethnic gerrymandering, hard statistical outcomes linked to timetables for employment and admission to colleges and universities, unequal testing by ethnic groups for admission to competitive high schools, and ethnocentric school curricula. These policies are escalating divisiveness at a rapid rate. I also agree that insufficient resources are being committed to help newcomers learn English.

Having expressed this agreement, I have the following problems with the article. Unz does not make sufficient distinction between the impacts of illegal immigrants and those who are lawfully admitted. He makes light of the dependence of southern California on illegal aliens for hotel and restaurant employees, nannies and gardeners, failing to acknowledge that employer dependence on a continuing pool of exploitable labor depresses wages and standards and may result in some displacement of persons lawfully eligible to work. He fails to acknowledge that recent research from the Urban Institute shows a net cost from illegal immigration. It is true that the Urban Institute's estimate of $1.3 billion for education costs in California is 40 percent lower than Pete Wilson's estimate; but there are costs. Unz does not seem particularly serious about doing anything regarding illegal migration. He acknowledges that "all sovereign nations control their borders" and that "the INS should 'deter illegal entry.'" But he never says why or takes on the tough issue of creating a secure, universal system of identifying employees eligible to work linked to sanctions against employers who knowingly hire illegal aliens.

"UNZ'S ASSERTION THAT WELFARE IS THE MAJOR CAUSE OF ALL SOCIAL ILLS IN THE U.S. IS NOT AN ARGUMENT SUPPORTED BY DATA OR ANALYSIS."
— LAWRENCE W. FUCHS

The author's simplistic assertion that the welfare system is the major cause of all social ills in the United States is not an argument supported by data or analysis in this article. His dismissal of "black xenophobia" and "the *criminal pathology in many black neighborhoods*" reveals a profound lack of awareness of the deep pain and grievance felt by many blacks in the United States, some of which does result in immigrant scapegoating, but which also has to be faced and not simply dismissed.

Unz's labeling of "politicians, government bureaucrats, and trial lawyers" as coming from "the most parasitic sectors of American society" is currently fashionable but, at least when applied to those people in the government who have worked hardest on the immigration issue, viciously misapplied. Senators Alan Simpson, Ted Kennedy, Paul Simon, and the half-dozen members of the House of Representatives who have worked on immigration policy extremely hard and conscientiously for the past 15 years don't deserve that cheap shot. Perhaps Unz has Governor Wilson in mind. The criticism there should be simply on the governor's inconsistency with respect to curtailing illegal immigration. In the early 1980s, he was quite complacent about it, and indeed fought and succeeded in 1983 to cripple the INS's ability to conduct warrantless searches in open fields.

Unz makes a factual mistake which does not undermine his overall argument that legal immigration at approximately present levels strengthens the U.S. He says that in 1900 "some 20 percent of America's total popula-

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tion was foreign born, and an additional 10 percent arrived in the following decade." Actually, in 1900, slightly more than 12 percent of America's population was foreign born, and that figure passed 13 percent in 1910. Both percentages were considerably higher than the proportion of foreign born in the population today. But, there was much more xenophobia then, too.

— **Lawrence W. Fuchs**
Meyer and Walter Jaffe Professor of
American Civilization and Politics
Brandeis University
Vice Chairman, U.S. Commission on
Immigration Reform

Politics aside, Unz's views on immigration would make sense only if you: (A) accepted the rosy assumptions of the Urban Institute on the fiscal impact of immigration; (B) believed that the nation's workforce needed large numbers on unskilled immigrants; (C) thought that unskilled immigrants did not compete with unskilled Americans for scarce jobs; and, (D) saw no connection between U.S. population growth, resource consumption and environmental degradation.

But, in reality, recent immigrants have an overall negative fiscal impact. The Center for Immigration Studies released a study in September that documents how immigrants of all categories who have entered the country since 1969 generate expenses to American taxpayers of $92.6 billion and offsetting tax contributions of $63.5 billion, for a net annual cost of at least $29 billion.

"NOT ONLY ARE RECENT IMMIGRANTS INCREASINGLY COSTLY TO TAXPAYERS... THEY ALSO COMPETE IN THE JOB MARKET WITH AMERICAN CITIZENS AND ESTABLISHED IMMIGRANTS."
— G. B. HIGH

Legal and illegal immigrants, who now are arriving in numbers well over 1 million per year, often work in low-wage jobs and generate much less tax revenue than the cost of services they receive, especially if they have children who are educated in public schools. In addition, some work "off-the-books," thereby paying no payroll taxes. Those who see in these young immigrant workers a panacea for the impending crunch in the Social Security system are being lured into a Ponzi scheme, because the contributions will not cover the future costs when the immigrant workers become eligible for benefits.

Even if immigration were not a fiscal drain, does it benefit the economy, as Unz suggests? The American consumer benefits from lower prices for perishable produce harvested by low-wage earning immigrants, and fast foods served by them, but in fact those prices are subsidized by the taxpayer who pays for the social services that sustain families living in poverty. In addition, meager earnings are not all fed back into the economy, as open-border advocates assert. Rather, a large amount of immigrant earnings are lost to the American economy, because they are remitted to families abroad.

Despite a currently rising economy, recent reports document worrisome persistent poverty and pockets of high unemployment. El Paso, with its 23 percent immigrant population, may have a low crime rate, as Unz asserts–it dropped markedly after the Border Patrol effectively began to prevent illegal border crossings last year–but it also has high unemployment (9.2 percent in August, compared to 6.2 percent for Texas overall) and an economy that lags behind the rest of the state. Do we want a high-wage, high-skill economy to compete with Europe and Japan, or increasingly to compete with the Third World on the basis of low-wage, low-skills employment? If we try to do both, we will pull our country apart. Already, we are experiencing increasing income disparity between high- and low-wage earners.

Not only are recent immigrants increasingly costly to the taxpayer and in competition for overextended public assistance resources, but they also compete in the job market with American citizens and established immigrants with similar skills. How can we hope to help people get off the welfare rolls and into jobs if we turn a blind eye to unfair competition from immigrants who are willing to work long hours at low wages?

The influx of immigrants today is higher than ever before in our history. Yet America does not have the virgin territory and expanding industrial production it had at the beginning of the century, when we last had wide-open immigration. We are bursting at the seams in highway usage and overcrowded schools and prisons, to cite just a couple of symptoms, especially in areas where new immigrants are concentrating. Fresh water resources and landfill capacity are overtaxed. As we have learned more about the link between population size and the environment, we have learned that rapid population growth is one of the major issues we must deal with. To do so, we must reduce immigration.

Unz's reluctant acceptance of the need to do a better job controlling the border does not go far enough to undo recent unwise expansion in the admission provisions of our immigration laws. Leaving aside the unsound opinion sampling based on hypothetical questions cited by Unz, it seems clear that proponents of continued, large-scale immigration will have a hard time convincing the public that immigration is a non-issue.

The public seems to understand that the problems associated with an open-door immigration policy touch their lives, more often than not in negative ways. That view is shared by majorities of all racial and ethnic segments of our society.

— **George B. High**
Executive Director
Center for Immigration Reform
Washington, D.C.

Ron K. Unz poses a false dichotomy in "Immigration or the Welfare State: Which Is Our Real Enemy?". The

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truth is that both immigration and the welfare state are very costly to the taxpayer. As my 1994 national study for Carrying Capacity Network showed, post-1969 immigrants cost the American public $44.2 billion in 1993 after deducting the local, state, and federal taxes they paid. Contrary to popular opinion, legal immigration accounts for 77 percent of total expenditures compared to only 23 percent on illegal immigrants.

Unz claims that were there no welfare costs, an extremely unlikely proposition in itself, immigrants would be an economic boon to America. 1990 Census and governmental data do not support this claim. If we eliminate all welfare-related programs from the 25 categories of public services in our study, immigrants still cost the taxpayer over $20 billion after taxes. The largest public service costs are not welfare-related, but are for public education from kindergarten through grade 12, social security, county/city services, public higher education, and criminal justice/corrections.

Unz also overlooks the private and public costs of labor displacement and wage depression. My published studies show that more than 1.8 million native-born, low-skill workers were unable to work in 1993 because of legal and illegal immigrants in the labor force. Econometric studies by Altonji, Card, and other economists find substantial immigration induced wage depression. Both increase assistance costs to displaced and increasingly impoverished American blue-collar workers.

According to Professor Goerge Borjas, immigrant skills and education continued to plunge over the past three decades. Unz wishes to continue large-scale immigration of 1.3 million yearly, but two-thirds of these immigrants are unskilled. While this "cheap labor" policy benefits U.S. business, it is not a free lunch. The American taxpayer pays the hidden subsidy to employers of immigrants by picking up their public service costs. Meanwhile, the U.S. distribution of income continues to worsen, further polarizing the rich and the poor.

— Donald L. Huddle
Professor Emeritus of Economics
Rice University
Houston, TX

Election day in California demolished Ron Unz's theories on immigration with triple hammer blows. First, the voters soundly rejected Unz's diversionary appeal that the problem now to be addressed was not excessive flows of immigration, but the well-known ills of the welfare system. Second, Unz's theory that Republicans should seek to propitiate pro-immigrant voters (a theory propounded also by Jack Kemp) was smashed into a cocked hat by the votes cast on the immigration issue and the candidates. Third, while Unz scoffed at fears of a balkanization of our country, the turmoil about California's Proposition 187 provided harsh evidence that such balkanization has already arrived; witness the all-out attacks on the very idea of halting illegal immigration.

Let's start with Unz's main theme: the diversionary argument that all other defective policies must be solved first, before addressing immigration, and that, indeed, once the ills of welfare policies, education, black neighborhoods, and so on have been fixed, the free market will cure immigration of all its ills and transform it into a blessing recognized by all Americans. This is the hackneyed free market utopia of libertarian theoreticians. Let the untrammeled free market do its good work and brilliant illegal immigrants will create Silicon Valley growth firms, Chinese engineers will innovate American technology, while—at the same time—immigration will provide an unending flow of "reliant" but "cheap, low-skilled labor" to keep American industries humming. The welfare cutbacks and the libertarians' abolition of the minimum wage will force all the lazy whites and blacks (who—too bad for them—may be second- or tenth-generation Americans) to underbid wages acceptable to economic refugees from Central Africa or Bangladesh, unless they want to scrape along with handouts from private charities. And, of course, the American voters will keep supporting this libertarian miracle.

To be sure, Unz is right about the many ills of our society; from the grave defects of federal and state welfare policies to the unholy power of the trial lawyers. But it is politically naive at best, or worse, a devious feint, to place all these problems into a queue to be solved today, while banishing immigration problems to the end of the queue for tomorrow.

A second theme developed by Unz is the idea that conservatives would gain a political advantage by opposing the alleged "anti-immigrant" policies of Democrats. He predicts, plausibly, that in states like California and New York, first-generation immigrant voters might, within a few decades, outnumber second-, third-, etc., generation immigrants. But he then concludes mistakenly that these new voters will favor continued large-scale immigration and that they will predominantly vote Republican. Recent polls indicate that majorities of the so-called "Hispanics" and "Asians," those who are entitled to vote as Americans, favor sensible restrictions on immigration. Thus, if the Republicans were to adopt the libertarian utopianism toward immigration that Unz advocates, these new voters might well favor the Democrats. Moreover, figures that Unz cites from pre-1994 elections show that only 40 to 50 percent of what he calls "ordinary Asians and Hispanics" voted Republican.

But the idea that policies propitiating those who want unlimited immigration will be a vote-getter for conservatives is not only contradicted by recent voting patterns, it is utterly nefarious as a political principle for our republic. If the election dynamic between America's principal parties ever came to depend on imported voters—1 million from Mexico, 2 million from China—a future Edward Gibbon could easily pinpoint the cause of a rapidly spiralling Decline and Fall of the United States.

Unz also anticipates a grand sorting out among voters into pro-immigration "conservatives" and a benighted faction of the Democratic Party that remains stuck in an "anti-immigration" groove. To explain this grand realignment, Unz mentions some givens: Jews with their "liberal guilt" have been a "bedrock base of the Democratic Party," while the "Asians" tend to be anti-liberal. The blacks who have voted overwhelmingly for Democratic candidates antagonize these Asian and Hispanic immigrants, given the "rise of black xenophobia" plus "the criminal pathology in many black neighborhoods."

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Hence, these anti-immigrant forces locked into the Democratic Party will push pro-immigrant Democrats (such as the "Asians," Hispanics, and Jews) into the arms of the pro-immigrant (if Unz has his way) Republican Party. And this isn't all. This fabulous racial Gotterdammerung in America will also "spark a massive rollback of the welfare state."

Contrary to this racial Valhalla, November 8, 1994, revealed the opposite dynamic. A much larger number of Californian voters opted for restrictions on immigration than for Pete Wilson. That is to say, Proposition 187, despite its clumsiness and legal difficulties, gained more support than the top candidates of either party.

The third theme advanced by Republicans who favor "open borders" (or—like Unz—favor large flows of immigration) is an insouciant confidence that the United States would not become balkanized. This was unwarranted optimism even before the battle about California's Proposition 187 had played itself out. As John O'Sullivan wrote in the *National Review*, "the arrival of more and more people speaking a language other than English" promotes "cultural ghettos" that, instead of being absorbed, continue to survive and expand.

The California scene before and following the November election woke us up to the fact that for America's balkanization, it is later than we thought. Even though the voters decided, by a factor of two to one, that the 187 measure, with all its defects, was better than nothing, the opposition skillfully mobilized forces that promote these new ghettoes. There were not only Mexican flags carried in several demonstrations, but also less visible portents, such as financial support for the organization that opposed 187 from a Spanish language television network and from the California Teachers Association (which is hostile to welfare reform and wants to maintain bilingualism). Moreover, official and unofficial voices from Mexico claimed, in effect, an international entitlement to send illegal immigrants into the United States. Worst of all, the big-government establishments in Sacramento and Washington have since been stoking the fires of balkanization by exhorting everyone to break the law, if necessary, in order to keep illegal immigration flowing. The larger this illegal flow, the easier it will be for the "balkanizers" to suborn the new immigrants into a ghetto culture.

— Fred C. Ikle
Bethesda, MD

Ron Unz concludes that immigration is being blamed for America's social and economic problems. Not true. There is legitimate concern regarding *illegal* immigration and a renewed determination to take action to combat illegal immigration, already against U.S. laws. There also is the need for honest debate about proper levels of legal immigration. But Unz is wrong if he believes such public interest and concern amounts to blaming immigrants for the fundamental societal problems.

Immigrants, *if legal*, are a "blessing" as Unz asserts. Illegal aliens are not a "blessing"–they undercut our laws, our heritage of legal immigration and represent a drain on our economy and social network. Unz wants to return to "the Ellis Island tradition," which he notes was "harsh but fair" and which excluded those "with illnesses of who were otherwise likely to become a burden on society". This is an argument for *legal* immigration, which I accept.

Unz then proceeds, however, to give examples of legal and illegal aliens needed to do "unpleasant jobs" and cites an example of a successful Silicon Valley entrepreneur who was illegal. This justification of illegal immigration is inconsistent with Unz's push for a return to the Ellis Island tradition. Unz's broad assertion that immigrants pay more in taxes than they receive in benefits does not stand review. First, you must separate legal from illegal immigrants. Second, at least half the illegal aliens do not pay taxes! They are paid in cash, there is no withholding, and no tax returns are filed. However, even if there is alleged economic benefit received from illegals, you cannot justify illegal activity on such grounds. If you do, you have restated the argument for slavery.

Unz states that "there exists an obvious incompatibility between immigration and an extensive social welfare state." He further states that "...extending America's generous welfare benefits to all Third World inhabitants who cross our borders would quickly bankrupt any economy and cause the collapse of the modern welfare state." These statements are accurate. Moreover, they certainly show a significant relationship between immigration and the social welfare system.

Unz advocates that the Republican Party support reasonable levels of legal immigration and pursue efforts to deter illegal immigration. The Republican Party position pursued under Ronald Reagan was exactly that. Certainly a strong party position against illegal immigration is both good domestic and foreign policy as well as good politics.

Unfortunately, Unz, in positions stated in his article and in appearances in California, opposes every known approach to stopping illegal immigration. He agrees with more border enforcement but notes that half of the illegal entrants are visa overstays. He is against employer sanctions, which are the main deterrent to illegal aliens obtaining jobs. He opposed California Proposition 187, which will enhance existing laws to prevent illegal aliens from obtaining benefits. He blurs the distinctions between legal and illegal immigration and appears to accept illegal entrants if they work hard.

From my experience as U.S. Immigration Commissioner, to stop illegal immigration we must pursue a combination of efforts to stop the magnets of jobs and benefits, strengthen border enforcement, and improve the public resolve not to tolerate illegal immigration.

The concluding statement by Unz is that "our goal must be to return our entire society to the values of individual liberty, community spirit and personal self-reliance...drawing from the traditions of the Western frontier and Ellis Island." A good place to start is to take definitive steps to stop illegal immigration which undercuts all such values.

— Alan C. Nelson
Commissioner, Immigration and
Naturalization Service, 1982 to 1989
Co-Author, Proposition 187
President, Americans Against Illegal Immigration
Newport Beach, CA

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Ron Unz's diatribe against those arguing for less immigration ("Immigration or the Welfare State," Fall 1994), contains the same faulty reasoning that has characterized Jack Kemp's view on this subject. It goes:

1) Immigrants are not a problem, rather it's welfare and other disincentives to work. Without welfare, immigration "is a blessing." The more immigration, the bigger the blessing. The solution is to cut welfare and forget immigration policy.

2) If we cut welfare, we get the support of conservative ethnic groups who are naturally disinclined to support welfare.

3) If the Republican Party gets into a discussion of immigration policy, the difficulties of the issue will ensnare the party in divisive issues that will prevent outreach to "people of color."

If immigration were not moving swiftly up the issue curve, such a "behind the curve" strategy might make sense. But immigration will soon be one of the top five issues in America. For those conservatives who see immigration as only a tool to attack the welfare state, they are fixating on too narrow a part of the picture. A huge issue will be left unattended by an important wing of America's intellectual field.

Immigration issues are dramatically affecting all phases of American society, driving a deep self-analysis of who and what we are—and want to be. The rapidly-growing pressure on America's borders has created an altered sense of our vulnerability to outside forces in controlling our destiny, and in passing on to future generations a nation with the same qualities as those we inherited from our ancestors.

Rather than rely on outmoded myths of the past, or create new ones out of the future, conservatives like Unz should engage the issue directly on its own merits: Why do we need immigration? If we do, how do current policies reflect the need? If we don't need immigration, why have it? This is the real debate on immigration. Let it begin.

— Daniel A. Stein
Executive Director
Federation for American Immigration Reform
Washington, D.C.

Ron K. Unz Responds:

The basic thesis of my *Policy Review* article was a simple one: that immigration has generally been a good thing for America over the years, but that the recent leftist policies of multiculturalism, bilingualism, affirmative action, and welfare dependency are severe threats to our society, with or without immigration. My position probably represented the widely accepted mainstream of conservative thought just four or five years ago, and few facts have changed since then. I suggest that the enormous hostility this position provoked demonstrates the near-hysteria gripping all too many anti-immigration intellectuals. I will do my best to respond with as much common sense as possible.

Although Lawrence Auster is free to indulge his hyperbolic rhetoric—exemplified by the title of his 1990 book on immigration, *The Path to National Suicide*—he should be more careful of his facts. That a few political activists in San Jose (peacefully) protested an allegedly "insensitive" public statue in 1990 (not 1992) is hardly a sign of significant ethnic conflict, and it was actually the Anglo multiculturalist liberals controlling the city council who chose to waste $500,000 on a statue of an Aztec pagan god. This latter statue has actually aroused much criticism *among* San Jose's large Hispanic immigrant community, who are overwhelmingly pious Catholics or Evangelical Protestants; they are as eager to worship Quetzalcoatl as an American of Auster's (likely) German heritage worships Thor or Odin. These immigrants might have preferred, say, a Catholic Saint such as Our Lady of Guadaloupe as the subject, but while the (Anglo) ACLU

"I STAND BY MY VIEW THAT OUR WELFARE SYSTEM IS A MAJOR CAUSE OF OUR SOCIAL ILLS." — RON K. UNZ

has no problems with spending public money on statues of pagan gods, it would obviously never permit religious images in the town square. I belabor the point because the story of the Quetzalcoatl statue has received much national attention, and local nuances are often lost across 3,000 miles.

Similarly, the display of Mexican flags by the anti-187 marchers was a political blunder, but not all that different from the display of Irish flags during St. Patrick's Day marches, or various other forms of traditional ethnic American pride. More than a few of the protesters were proud Mexican-American veterans who attended the rally with their U.S. Army medals, decrying what they (rightly) perceived as the anti-Mexican rhetoric of many pro-187 activists. In fact, Los Angeles's Mexican-American community has among the nation's highest rates of military service, and is enormously patriotic on national defense issues.

Prof. Briggs's criticisms are far more tempered, but I believe that they are mistaken all the same. The decline of European immigration dating from 1914 was obviously caused largely by the outbreak of war and its disruptive aftermath, which were soon followed by the harsh Immigration Restriction Act of 1924. The Great Depression which began a few years later hardly proves that restrictionist policies guarantee jobs and prosperity. Furthermore, the enormous human capital of the German and Eastern European Jews, who would have fled to America in the 1930s, was certainly lost to our nation, with the notable immigrant exceptions of Albert Einstein and most of the other fathers of our A-Bomb program.

Turning to post-1965 immigration, a very substantial fraction of these immigrants demonstrate exactly those high cognitive abilities which Prof. Briggs argues are so important to our economy. The great prevalence of these immigrants and their children as winners of academic and science competitions, as students and faculty members at our finest universities, and as leading employees

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and entrepreneurs in sunrise industries, is one of the most dramatic changes in American society over the past two decades. The major computer software company founded by Philippe Kahn, an illegal immigrant, has certainly created more jobs and produced more tax revenue than all of the United States' anti-immigration theorists combined.

Moreover, Prof. Briggs's praise for the economic strategy of Japan (which has minimal immigration) is an echo of the "America in Decline" economic school of the late 1980s, still widespread among many Democrats, Japan's recent financial collapse notwithstanding. Although Japan still remains quite competitive in older industries such as steel and cars, American companies in many high-technology, high-value industries have crushed their Japanese (and European) competitors, and America's industrial position is probably stronger today than at any time during the past 30 years. Japan's domestic personal computer industry is currently in the process of being annihilated by Compaq and other U.S. clone makers, while Bill Gates of Microsoft is almost a figure of legend among Japanese schoolchildren. I would guess that a list compiled of the world's 100 leading-edge technology companies (in such areas as computer hardware, computer software, telecommunications, biotechnology, and entertainment) would contain some 95 American names. And these are the industries in which immigrant employees and entrepreneurs are most heavily concentrated. America's willingness to open its door to the best and brightest of the world is no small ingredient in our current economic success.

"INTELLECTUAL HONESTY FORCED ME TO POINT OUT THAT MOST ILLEGAL IMMIGRANTS ARE HARDWORKING AND ECONOMICALLY PRODUCTIVE, AND THAT CERTAIN ILLEGAL IMMIGRANTS HAVE BEEN AMONG OUR NATION'S MOST VALUABLE RECENT ADDITIONS." — RON K. UNZ

Finally, I see no evidence of any obvious link between the presence of low-skilled immigrants, and economic and social stress to the native-born population. For example, New York contains huge numbers of low-skilled immigrants, and its large black population has high rates of unemployment, welfare, and crime; but the blacks living in Detroit, which contains virtually no immigrants, have even worse problems in this regard. Immigrants both create and absorb wealth, and their impact on native populations is far from clear.

I am grateful to Prof. Fuchs for his kind words regarding several of the crucial points I raised, and trust he will accept my disagreements in the spirit in which they are given. Since my article dealt with immigration matters in general, and since illegal immigrants represent merely a small fraction of our total immigrant population (perhaps 10-15 percent), I did not discuss the issue aside from declaring general support for INS efforts at border control. However, I and other conservatives have elsewhere expressed our opposition to such proposed measures as a national identity card or computer registry system, and I trust that less intrusive approaches can be developed. I would consider it a tragedy if the legal 99 percent of America's population sacrifices too many of their traditional freedoms in order to expel the 1 percent consisting of illegal nannies and gardeners.

I stand by my view that our welfare system is a major cause of our current social ills, and believe that most readers of *Policy Review* would agree with me that the evidence on that score is overwhelming. Although I recognize the historical roots of black social rage, to understand is not to excuse, and the widespread racial attacks on all non-blacks (immigrant and otherwise) during the 1992 riots were unconscionable, as was the widespread defense or even praise of such acts by leading black politicians. Pogroms are pogroms, regardless of race.

I apologize for my "cheap shot" criticism of most "politicians, government bureaucrats, and trial lawyers" as "parasitic," though recent election results indicate that I have much company among the voters. I also acknowledge my apparently erroneous 20 percent foreign-born figure for 1900, which, however, I obtained from a Hoover Institution publication by a leading immigration researcher.

George High would have us believe that America's typical immigrant is an unskilled farm worker, living in poverty ,or perhaps on the dole. Far from the case. Data from the 1990 Census reveals that the average per-capita income of America's immigrant population is actually several percentage points *higher* than that of its native-born population, which casts grave doubts on High's fears that our nation is being transformed into a low-wage, low-skill society. He argues that although a heavily immigrant city such as El Paso may have a minuscule crime rate, its unemployment rate is quite substantial (9.9 percent). But the 1994 Vedder, Gallaway, and Moore nationwide study shows that taken in aggregate, those states with high immigrant concentrations have substantially lower unemployment rates than those states with few immi-

"I SEE NO OBVIOUS LINK BETWEEN THE PRESENCE OF LOW-SKILLED IMMIGRANTS, AND ECONOMIC AND SOCIAL STRESS TO THE NATIVE-BORN POPULATION." — RON K. UNZ

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grants.

Perhaps these facts will soothe High's immigration concerns, but I doubt it. For I would suggest that he is being somewhat disingenuous with us, and that his overarching concerns are not the economic issues which he emphasizes (and which all of us share to some extent), but instead the environmental fears of overpopulation and ecological damage which he touches upon toward the end of his letter. He quotes a fiscal study by his Center for Immigration Studies to buttress his economic case. Now, the most prominent researcher at that Center is Leon Bouvier, an individual whose writings have been enormously influential in anti-immigration circles, and a short examination of Bouvier's views allows us to better comprehend High's likely hidden agenda, and certainly reveals the underlying environmentalist perspective of much anti-immigration scholarship.

Bouvier's most recent work on immigration *How Many Americans?* (co-authored with Lindsey Grant) reads virtually as a casebook of the radical environmentalist fringe, from its opening thanks to Vice President Al Gore for his deep environmental insights, to its endless talk of global warming, acid rain, ozone holes, tropical rain forests, and every other environmental cause of the last decade. The Reagan-Bush Administration is denounced for its lack of support for abortion rights and other means of global population control, while Bill Clinton and Joycelyn Elders are hailed as role models. Bouvier suggests reducing air pollution by more or less eliminating automobiles, and reducing ground pollution by restricting use of fertilizers and pesticides.

But since population is the greatest single threat to the environment, Bouvier's central proposal is a concerted government effort to reduce America's current population by over *100 million people,* or nearly 50 percent (he also remains open to a reduction of 70 percent or more). Obviously, the task of eliminating 100 mlllion (or perhaps 200 million) Americans is a difficult one for our government, made harder if additional people are entering each year; hence, his opposition to immigration, regardless of race, creed, or color. Since Bouvier particularly thanks George High for his help in publishing the book, I assume High shares these views. I trust most readers of *Policy Review* do not.

I see little need to debunk Prof. Huddle's absurd claim that recent immigrants generate over $40 billion per year in net costs to the American public. His study has already been adequately refuted by Prof. George Borjas, himself a leading anti-immigration economist (cited approvingly by Huddle). Huddles numbers assume immigrants pay virtually no taxes and that their presence drives enormous numbers of native-born Americans onto the welfare rolls, views for which Borjas finds little support. During the 1980s, immigration rose and native unemployment fell; as mentioned above, regions of the country with large numbers of immigrants often have lower native unemployment rates than those with few immigrants. As one might predict, Huddle's studies have been funded by the Carrying Capacity Network, yet another radical environmentalist group active in the anti-immigration movement, along with Zero Population Growth, Negative Population Growth, and a whole host of others. Since the great Global Warming Scare has now passed, its adherents have moved on to the Great Immigration Scare.

Fred Ikle's fevered joy in the alleged anti-immigration message sent by Proposition 187's victory in California is adequately refuted by the letter which immediately follows, from Alan Nelson, a principal author of 187 and a leading advocate. *Pace*, Ikle, Proposition 187 won because it was a referendum on *illegal* immigration, which almost no one defends, and especially on providing social welfare benefits to illegal immigrants.

In fact, the most effective pro-187 television commercials (by Gov. Pete Wilson) opened with a scene of the Statue of Liberty, described America as a "Nation of Immigrants," and reverently showed new immigrants taking their oath of citizenship (coupled with a harsh denunciation of illegal immigrant lawbreakers). My own opposition to 187, and that of other, more prominent

"IMMIGRANTS BOTH CREATE AND ABSORB WEALTH, AND THEIR IMPACT ON NATIVE POPULATIONS IS FAR FROM CLEAR."— RON K. UNZ

national conservatives, was on the grounds that it was (1) appallingly drafted and (2) admitted to be unconstitutional by its own leading supporters. Opposition to such a measure, however popular it might be, should be expected from principled conservatives.

Otherwise, I accept Ikle's charge that I am an economic libertarian, in that I support free markets and free trade, and oppose government control over our economy and the disastrous giveaway programs of the liberal Welfare State. But I have never been a "utopian" advocate of open borders, and in social matters, I am a strong traditionalist. At the time I joined the Republican Party, such a constellation of views was generally called "Reaganism."

With regard to Alan Nelson, I am pleased that our strong disagreement on the merits of Prop. 187 is matched by equally strong agreement on the general benefits of *legal* immigration. However, if Nelson believes that I am exaggerating the extent to which (legal) immigrants are the target of hostility and blame, I suggest he consider the other critical letters replying to my article, none of which (with the exception of that of Prof. Fuchs) make any distinction whatsoever between legal and illegal immigration.

I have never defended illegal immigration, or any other form of law-breaking. Still, intellectual honesty forced me to point out that most (though not all) illegal immigrants are hardworking and economically productive, and that certain individual illegal immigrants have been among our nation's most valuable recent additions.

Although I am not able to propose any obvious solution to the illegal immigration problem, I can suggest that certain measures be avoided at all costs. In 1986, I strongly opposed and Nelson strongly supported the Immigration Reform and Control Act of that year.

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Among other things, that measure granted amnesty and the eventual right of citizenship to some three million illegal immigrants then in America, giving them priority over law-abiding foreigners who had patiently

"MY POSITION ON IMMIGRATION REPRESENTS THE PRAGMATIC, CENTRIST VIEW OF MAINSTREAM CONSERVATISM, AVOIDING BOTH THE OPEN BORDERS UTOPIAN OF EXTREME LIBERTARIANS AND CLOSED BORDERS HYSTERIA OF EXTREME ENVIRONMENTALISTS."
— RON K. UNZ

waited many years to gain legal entrance to our nation. When law-breakers are rewarded, law-breaking is encouraged, and it is not surprising that illegal immigration is in many respects a more serious problem today than is was in 1986.

Finally, I found Daniel Stein's letter strangely vacuous, coming as it did from the principal spokesman of America's leading anti-immigration organization, FAIR. His only clear points seem to be that immigration is becoming an important national issue (I agree) and that I should explain the positive aspects of immigration (I thought I already had in my original article). Perhaps he and the radical environmentalists who established FAIR are simply unused to having their cherished beliefs challenged in open debate.

To close, I wish to point out that my pro-immigration views are rooted in personal experience as well as statistical data. I have lived and worked many years in the world of business and technology, in contrast to anti-immigration theorists, nearly all of whom appear to be Ivory Tower intellectuals, never forced to compete in the real world or meet a payroll. Wild talk of abolishing automobiles or immigration comes easier for such people.

Just a few weeks ago, I attended a reception at Intel, one of America's two or three most important corporations and the world's dominant supplier of computer microprocessors. Photographs were displayed of the design teams responsible for each generation of the microchips which have given America a virtual monopoly in computer technology. By name and by face, the overwhelming were foreign immigrants, as is Intel's own CEO. If we wish to turn such individuals away or make their lives in America uncomfortable, any other nation on Earth will be only too glad to receive them.

At the other end of the scale, while starting my own company, I lived for a number of years in an urban, working-class neighborhood in Queens, New York, filled with the recent immigrant Asian and Hispanic arrivals, many quite impoverished, whose presence so alarms some theorists. The individuals I encountered were hard-working and assimilative, the families were strong and cohesive, and I saw fewer signs of social decay and urban pathology than I do today in Palo Alto, one of Silicon Valley's most prestigious suburbs. Those hankering for a return to the families and values of the 1940s and 1950s need only look to many immigrant neighborhoods.

Once again, I would suggest that my position on immigration represents the pragmatic, centrist view of mainstream conservatism, avoiding both the open borders utopianism of extreme libertarians and the closed borders hysteria of extreme environmentalists, while maintaining America's traditional openness to those immigrants whose hard work, energy, or special skills are likely to benefit our nation.

I also believe that my strong opposition to multiculturalism, bilingualism, affirmative action, and failed social welfare programs is also fully mainstream, since these are a disaster for America, with or without immigration.

Fortunately, there is perhaps more common ground in the heated immigration debate than one might imagine. One of America's leading anti-immigrationists has repeatedly told me that "of course" multiculturalism, affirmative action, and welfare are the real source of most immigration problems, but that since these government policies are so entrenched as to be unassailable, immigration must be stopped in order to minimize the damage.

"ABOLISHING FAILED WELFARE PROGRAMS RATHER THAN THE STATUE OF LIBERTY SEEMS A BETTER HIGH PRIORITY ITEM FOR OUR NEW REPUBLICAN CONGRESS."
— RON K. UNZ

I would suggest that policy changes which seemed impossible prior to November 8th of this year became quite possible by November 9th.

Reputable anti-immigrationists admit that recent immigrants may or may not be paying a few billion dollars more in taxes than they use in government services, while generating billions in additional economic growth; they believe the data is simply unclear. However, convincing studies analyzed by Peter Brimelow, a leading anti-immigrationist, suggest that affirmative action policies cost our economy *$2 to $3 hundred billion* annually, and are perhaps one of the main causes of our slow growth over the past 25 years. In non-economic terms, they are a huge source of divisiveness and tension in our multi-ethnic society, are contrary to the American tradition, and are enormously unpopular among voters. Abolishing these policies rather than the Statue of Liberty seems a better high priority item for our new Republican Congress. ☎

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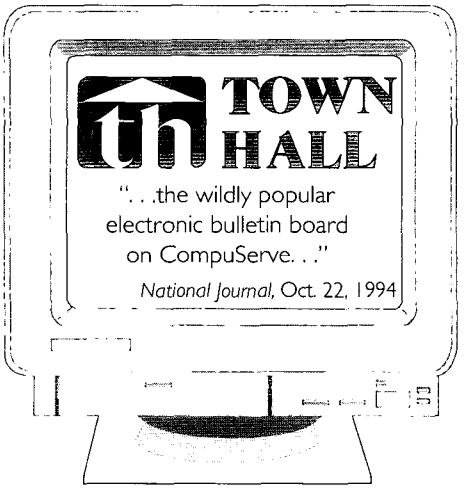

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policy REVIEW

Today, I pass many angry young men on the street. Many of them have children, but few have families. Few share homes with their sons and daughters or the women that gave them birth. As a society, our approach toward these invisible fathers is a mixture of anger and indifference: We're ready to condemn them for their flight from responsibility and pursue them for child support. Otherwise, we look right through them.

For 12 years, I've been trying to connect these fathers with their children.

Charles Ballard
Prodigal Dad: How We Bring Fathers Home to Their Children

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